

GUIDE TO

IOWA'S COURT SYSTEM

GUIDE TO IOWA'S COURT SYSTEM

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INTRODUCTION TO IOWA'S COURT SYSTEM

Iowa courts are accessible to all, including your friends and neighbors, to provide fair and impartial solutions to everyday problems and protect public safety. The district court in your county courthouse is where parties bring their disputes, prosecutors file criminal charges, trials take place, attorneys offer evidence, witnesses testify, juries deliberate, and judges enter judgments. Iowa's district courts handle more than 650,000 cases a year.

This guide describes how court cases in Iowa proceed from beginning to end. It also describes the structure and administration of Iowa's courts and how Iowans select their judges. Visit the Iowa Judicial Branch online at www.iowacourts.gov for more information and for self-help tools and resources.

For people who do not have an attorney, numerous resources are available through the Iowa Supreme Court's website, <https://www.iowacourts.gov/for-the-public/>, including: self-help guides; free court forms, including fillable and savable forms and some interactive forms; FAQs; definitions for common legal terms; instructional guides; access to court rules; online dispute resolution; and more.

Direct links to some of these tools are at the end of this guide. Additionally, the Iowa Supreme Court has commissioned the Iowa Access to Justice Commission to help address barriers people face to the court system. The committee's reports, as well as numerous other reports, can be found at: <https://www.iowacourts.gov/for-the-public/reports/>.

Courts exist to impartially resolve disputes and interpret questions of law brought to the courts in the form of cases. Cases filed with the courts involve a broad scope of problems and issues, including contract disputes, family matters, criminal violations, landlord-tenant disputes, personal injury claims, property condemnation conflicts, juvenile matters, employment issues, and assertions of constitutional rights.

Generally, all cases begin, and nearly all cases end, in the trial court, also known as the district court. However, sometimes a party who disagrees with a district court decision will ask a higher court, known as an appellate court, to review the decision. This process is called an appeal. In Iowa, all appeals are filed with the Iowa Supreme Court. The supreme court retains certain cases to decide itself, and transfers other cases to the Iowa Court of Appeals for a decision. A party who disagrees with a court of appeals decision may seek further review by the supreme court.



THE IOWA DISTRICT COURT

District Court Structure: Judges, Staff, and Personnel

Judges

Not all judicial officers have authority to hear all types of cases in the district court. The Iowa District Court is composed of different kinds of judicial officers—judicial magistrates, associate juvenile judges, associate probate judges, district associate judges, and district judges—with varying jurisdiction and authority.

Judicial magistrates serve within the county of their residence or a neighboring county. Magistrates have jurisdiction over simple misdemeanors, county and municipal infractions, small claims, evictions, and certain involuntary commitment matters. Magistrates have authority to issue search warrants and conduct preliminary hearings. Magistrates serve four-year terms and are appointed by county magistrate appointing commissions. Magistrates are not subject to retention elections.

Associate juvenile judges have authority to issue orders, findings, and decisions in juvenile cases, including cases that involve juvenile delinquency, child in need of assistance, termination of parental rights, adoptions, and juvenile involuntary commitments. Associate juvenile judges are appointed by the district judges of the judicial district from a slate of nominees screened and selected by the county magistrate appointing commission. Upon expiration of the initial appointment term, associate juvenile judges must be retained by election. If retained, they serve a six-year term and then must be retained by election again.

Associate probate judges have authority to issue orders, findings, and decisions in probate cases, such as will contests, trusts, administering intestate estates, guardianships, and conservatorships. Associate probate judges are appointed by the district judges of the judicial district from a slate of nominees screened and selected by the county magistrate appointing commission. Upon expiration of the initial appointment term, associate probate judges must be retained by election. If retained, they serve a six-year



Dallas County Magistrate Court

term and then must be retained by election again.

District associate judges have the jurisdiction of judicial magistrates plus authority to hear serious and aggravated misdemeanor cases, class “D” felonies, civil suits in which the amount in controversy is \$10,000 or less, and juvenile cases when the judge is sitting as a juvenile judge. District associate judges are appointed by the district judges of the judicial district from a slate of nominees screened and selected by the county magistrate appointing commission. Upon expiration of the initial appointment term, district associate judges must be retained by election. If retained, they serve a six-year term and then must be retained by election again.

District judges have the authority to hear any type of case within the district court, including those types of cases that may be heard by associate judges or magistrates. District judges typically hear a variety of cases including felony criminal cases, divorces, contract disputes, business disputes, personal injury cases, and many other matters. Many district judges travel extensively to make sure all of Iowa’s counties have a regular schedule of judicial service. District judges are appointed by the governor from a slate of nominees chosen by the district judicial nominating commission. Upon expiration of the initial appointment term, district judges must be retained by election. If retained, they serve a six-year term and then must be retained by election again.

THE IOWA DISTRICT COURT

District Court Structure: Judges, Staff, and Personnel

District Court Personnel

A clerk of the district court manages and maintains all court records filed in the county. Clerks of court have hundreds of administrative duties, which include:

- Accepting and processing fines, fees, and court costs owed to the state; child support checks; and civil judgments owed to a party.
- Processing all court filings and transmitting court information.
- Notifying all parties of court orders.

Court attendants have a variety of duties, such as overseeing the activities of jurors, facilitating courtroom proceedings, and performing various clerical work as well.

Court reporters serve an important court function; court reporters record everything that is said in the courtroom during court proceedings. Their notes and transcripts, which are a verbatim account of the court proceedings, are part of the official court record.

Juvenile court officers (JCOs) work directly with struggling young people. Juvenile court officers and their staff serve the intake function for delinquency cases; administer informal adjustment programs for youths who are not formally charged with delinquency, but who still require some form of supervision to ensure accountability; and monitor a juvenile's progress while on probation, and make recommendations to the juvenile court. JCOs arrange for treatment and services for juveniles with behavioral problems, unaddressed mental health issues, or suffer from substance addiction and abuse. They will work closely with the families of the children. JCOs will also arrange for a young person to pay victim restitution or perform community service when appropriate. JCOs work closely with schools, law enforcement officials, and the community.



Henry County Courthouse, Mt. Pleasant



Jasper County Courthouse, Newton

THE IOWA DISTRICT COURT

Iowa's Judicial Districts

For administrative and case scheduling purposes, the Iowa District Court is divided into eight judicial districts:

District One: Allamakee, Black Hawk, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy, Howard, Winneshiek.

District Two: Boone, Bremer, Butler, Calhoun, Carroll, Cerro Gordo, Floyd, Franklin, Greene, Hamilton, Hancock, Hardin, Humboldt, Marshall, Mitchell, Pocahontas, Sac, Story, Webster, Winnebago, Worth, Wright.

District Three: Buena Vista, Cherokee, Clay, Crawford, Dickinson, Emmet, Ida, Lyon, Kossuth, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Sioux, Woodbury.

District Four: Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby.

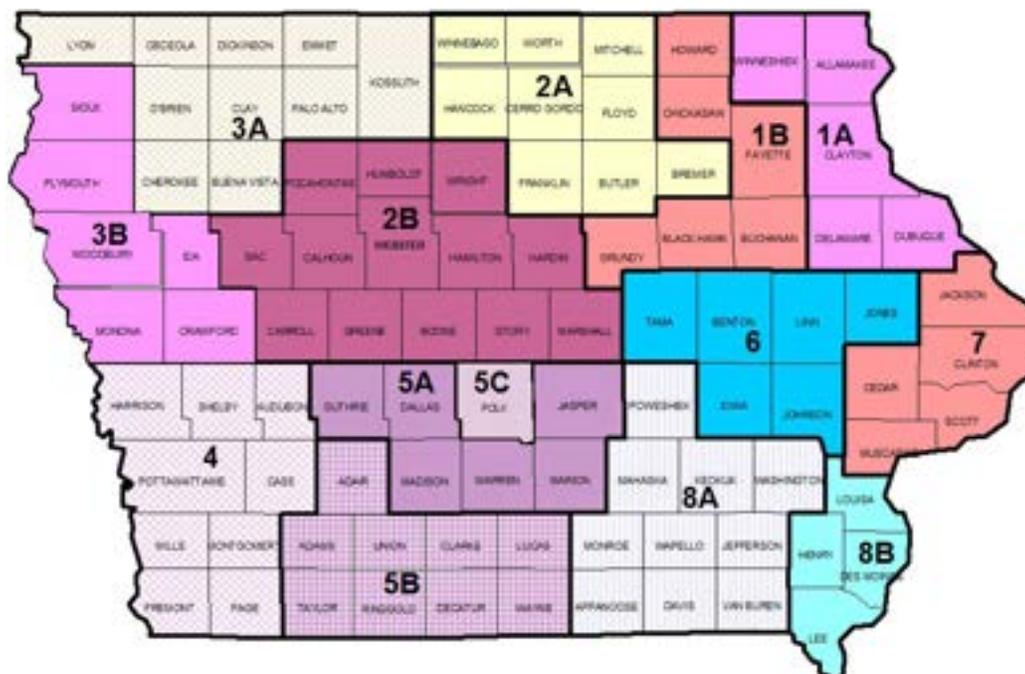
District Five: Adair, Adams, Clarke, Dallas, Decatur, Guthrie, Jasper, Lucas, Madison, Marion, Polk, Ringgold, Taylor, Union, Warren, Wayne.

District Six: Benton, Iowa, Johnson, Jones, Linn, Tama.

District Seven: Cedar, Clinton, Jackson, Muscatine, Scott.

District Eight: Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Mahaska, Monroe, Poweshiek, Van Buren, Wapello, Washington.

In addition, some districts are divided into subdistricts. Districts and subdistricts are also used for judicial selection and retention elections purposes.



THE IOWA DISTRICT COURT

District Court Procedures: Civil, Criminal, and Juvenile

While the process in district court cases involve assertion of claims and presentation of evidence to support or dispute claims, there are specific procedures for criminal, civil, and juvenile cases. The Iowa Court Rules govern all court procedures in Iowa.

Civil Procedure

Civil cases include many categories of cases: family law (e.g., divorce and child support, custody, and visitation), tort law (e.g., personal injury, property damage, and product liability), contract law (e.g., written and oral agreements), employment law, and small claims. The procedures for each type of civil case are essentially the same with slight differences for family law cases and small claims cases.

Pretrial Procedures

First Steps: Petition and Answer—A civil action begins when one party files a petition in the district court clerk’s office. In most cases, this party is called the plaintiff or the petitioner. In the petition, the plaintiff sets forth the parties involved, the plaintiff’s legal claims, and the remedy being sought. The petition must be served on the opposing party. An opposing party, called the defendant or the respondent, has an opportunity to file an answer to the petition. An answer is a document admitting or denying each allegation in the petition.

Pretrial Motions and Discovery—After filing the petition and answer, the parties may file pretrial motions. Examples of pretrial motions include a request to dismiss the entire lawsuit, dismiss a claim or party, or limit the evidence to be presented at trial. The parties may also engage in discovery, a process to obtain information and evidence from the other party.

During discovery, a party may file interrogatories, which are written questions to be answered by the other party. A party may also take depositions, which is a process of asking oral questions of a witness after the witness has taken an oath to tell the truth. Parties often reach a settlement or an agreement to resolve the lawsuit during this process.

Pretrial Conference—After completion of the discovery process and filing of any pretrial motions, the court will schedule a pretrial conference. During the pretrial conference, the judge and the lawyers for the parties, if the parties have legal representation, discuss a wide variety of trial topics and the judge will set a trial date.

Civil Trial

Certain civil actions, such as family law cases and probate cases, do not involve a jury. Other civil actions may be tried to either a judge, referred to as a bench trial, or a jury. Generally, the plaintiff must request a jury trial. If such a request is not made, the case will proceed to a bench trial, in which the judge, rather than a jury, acts as the fact finder and enters the verdict.

Jury Selection—If the plaintiff requests that a jury determine the outcome, the court will proceed with the jury selection process. In most cases, a jury panel consisting of sixteen jurors will be drawn randomly from a jury pool. The judge and the parties then have the opportunity to ask the prospective jurors questions to screen for potential biases, where some jurors may be struck, or removed, for cause. This process is referred to as voir dire. From that panel, typically each party will then strike four jurors each, leaving an eight-person jury.

Opening Statements—At the start of the trial, each party has the opportunity to give an opening statement, which is an overview of the evidence that is expected to be presented.

Presentation of Evidence—Parties generally present evidence by calling witnesses and asking the witnesses questions and by offering exhibits. Each

THE IOWA DISTRICT COURT

District Court Procedures: Civil, Criminal, and Juvenile

party must follow the Iowa Rules of Evidence in doing so. These complex rules govern what evidence is admissible at trial, and how it is presented. If a party believes the other party is not following the rules, that party may raise an objection: “I object!” The judge will either sustain (grant) or overrule (deny) the objection.

The plaintiff must present evidence first. The defendant has the opportunity to cross-examine (question) the plaintiff’s witnesses. After the plaintiff is done presenting evidence the defendant may present evidence. The defendant, however, is not required to present evidence because the plaintiff has the burden to prove the case. If the defendant does present evidence, the plaintiff has the right to cross-examine each of the defendant’s witnesses. After completion of the defendant’s case, the plaintiff may present further evidence to rebut evidence the defendant presented.

Closing Arguments—Once all the parties are through presenting evidence they may make closing arguments. Closing arguments are an opportunity for the parties to persuade the fact finder (the judge or jury) to decide the case in their favor. Closing arguments must be based only on the evidence produced in trial.

Jury Instructions and Deliberation—The court gives the jury instructions. Jury instructions describe the law and procedure that the jury must follow in making its decision. After the conclusion of the closing arguments, the jury will discuss the evidence in private. This is called jury deliberation. To reach a decision, all eight jurors must agree; however, if the jury has deliberated for at least six hours, then only seven of the eight jurors must agree. If the jury cannot agree, the court may declare a mistrial and the case may be tried again to another jury at a later date, if the plaintiff wishes to do so.

Family Law and Small Claims Cases

Family law cases and small claims cases (small claims

cases are cases involving \$6,500 or less in dispute) generally follow the rules of evidence and rules of civil procedure, but there are some differences. For example, these types of cases never involve the use of a jury. Additionally, small claims cases follow a simplified version of basic civil procedures to help the cases move along faster.

Expedited Civil Actions

These rules only apply to certain cases where the only relief being sought is money damages of \$75,000 or less. The expedited civil action rules are designed to help these cases move along quickly and at a lower cost for the parties involved. Expedited civil action cases have shorter pretrial timelines than what would normally apply and restrict the discovery that can be sought and motions that can be filed. Expedited civil action trials are limited to two days and the time each party has to produce evidence is also limited. The expedited civil action rules encourage parties to work together and agree to as many things as possible.



Shelby County Courthouse, Harlan

THE IOWA DISTRICT COURT

District Court Procedures: Civil, Criminal, and Juvenile

Criminal Procedure & Sentencing

Criminal cases involve charges filed by the government—typically the state—which prosecutes the case, alleging that a person, the defendant, has violated a criminal law or ordinance. Typically, a person convicted of committing a criminal offense is subject to certain penalties such as paying a fine and restitution, probation, and serving time in prison or jail. The Constitution provides many protections to people who have been accused of violating a criminal law.

Criminal law is divided into two major classifications: misdemeanors and felonies. Misdemeanors are divided into three categories, increasing in severity: simple, serious, and aggravated. Felonies are generally considered more serious crimes, and are divided into four categories, increasing in severity: class “D,” “C,” “B,” and “A.” For both misdemeanor and felony offenses, the potential penalty for conviction increases in severity with the level of offense.

Pretrial Procedures

Initial Appearance—Generally speaking, a person arrested for breaking a criminal law appears before a magistrate within twenty-four hours. The magistrate will inform the person of the charges and set the conditions of release, which may include posting a bond.

Preliminary Hearing—After the initial appearance, the defendant is entitled to a preliminary hearing to determine if there is sufficient evidence to continue the case. These hearings are frequently waived by the defendant or are canceled upon the prosecutor filing a trial information (see below).

Indictment—An indictment is a formal criminal charge brought against the defendant and initiates a criminal proceeding. In most cases, formal charges are brought by the prosecutor filing a formal charging document called a trial information. On occasion,

the prosecutor will call a grand jury, a panel of seven citizens, to decide whether criminal charges should be brought. If at least five of the seven grand jurors find there is enough evidence to warrant a conviction by a trial jury, an indictment

will be presented to the court. The formal charges must also be accompanied by a summary of the evidence, called the minutes of testimony.

Arraignment—Following the indictment, the defendant will appear for an arraignment. At the arraignment, the court will read the formal charges and the defendant must enter a plea, generally guilty or not guilty. If the defendant cannot afford to hire an attorney, the court will appoint an attorney to represent the defendant.

If the defendant enters a not guilty plea, which is what typically occurs, there must be a trial within ninety days from the date of the indictment, a constitutional right known as the right to a speedy trial. However, the defendant may waive this right.

Discovery—The defendant may engage in discovery, which includes requesting evidence from the state and taking depositions (asking witness questions under oath). The defendant may also file various pretrial motions, such as motions to suppress (exclude)



Carroll County Courthouse, Carroll

THE IOWA DISTRICT COURT

District Court Procedures: Civil, Criminal, and Juvenile

evidence believed to be illegally obtained or not in compliance with the rules of evidence. Although not as common or frequent, the state may also engage in similar discovery and motion filing.

Plea Bargaining—The defendant and the state may engage in plea bargaining—discussions to resolve the charges without going to trial. If the defendant and the state do not reach an agreement, the court may schedule a pretrial conference, and a trial date.

Criminal Trial

The Constitution provides that criminal defendants enjoy the right to a speedy and public trial. Criminal defendants also have the right under the Constitution to a trial in front of a jury made up of impartial individuals representing a fair cross-section of their community.

Jury Selection—The defendant may waive the right to a jury trial, and instead have a judge decide the case. If the case goes to a jury trial, the parties may question the prospective jurors—a process called *voir dire* that is used to screen jurors for potential biases. In a criminal trial there are twelve jurors, except in simple misdemeanor cases, which have six jurors. Each party may exercise strikes, which is the process of removing certain persons from the jury. The number of strikes is determined by the level of the offense charged, ranging from four to ten.



Davis County Courthouse, Bloomfield

Additionally, the court may determine that alternate jurors are necessary, in case a juror is unable to continue serving during the trial.

Opening Statements—Following jury selection, the state will read the formal charges and the defendant's plea. Next, the state may then give an opening statement that summarizes the evidence and the charges the state will attempt to prove. The defendant may give an opening statement immediately following the state's or wait to give an opening statement until after the state has finished its case.

Presentation of Evidence—After opening statements the parties may present evidence through the questioning of witnesses and introduction of exhibits such as objects, documents, photos, and other items. Each party must follow the Iowa Rules of Evidence in doing so, which are complex rules that govern what evidence is admissible at trial and how it is presented. If a party believes the other side is not following the rules, that party may raise an objection: "I object!" The judge will then either sustain (grant) or overrule (deny) the objection.

The state will present its evidence first. Because criminal defendants have a constitutional right not to testify, the state cannot call the defendant as a witness, and the jury may not consider this. The defendant is not required to present any evidence because the state bears the burden of proving the defendant is guilty beyond a reasonable doubt. If the defendant presents evidence, the state may present rebuttal evidence. Also, both sides have the right to cross-examine, or question, each other's witnesses.

Closing Arguments—Once the parties have finished presenting their evidence, they each may make closing arguments to the jury. Closing arguments are an opportunity to attempt to persuade the judge or jury to decide the case in that party's favor. Closing arguments must only be based upon the evidence produced in trial.

THE IOWA DISTRICT COURT

District Court Procedures: Civil, Criminal, and Juvenile

The Verdict—The court gives the jury instructions. Jury instructions describe the law and procedure that the jury must follow in making its decision. After conclusion of the closing arguments, the jury will discuss the evidence in private. This is called jury deliberation. Unlike a civil jury trial, the jury in a criminal case must return a unanimous verdict—either guilty or not guilty. The jury may also find the defendant guilty of a lesser charge, if that lesser charge was submitted to the jury in the jury instructions. If the jury cannot reach a unanimous verdict, the court will declare a mistrial and the case may be tried again to another jury at a later date, if the state so chooses.

Sentencing

After return of a verdict, the jury's duty is complete. If the defendant is found guilty, the jury is not involved in determining the defendant's punishment; sentencing is left solely to the judge. The judge will schedule a sentencing hearing, where both sides will have the opportunity to make sentencing recommendations and present evidence.

Presentence Investigation—Before any defendant is sentenced, except in traffic and less serious criminal matters, the judge is given a presentence investigation report prepared by a probation officer. This report contains personal information such as the defendant's criminal record, mental health or substance abuse issues, and family and financial circumstances. The report also details harm to any victims and the circumstances of the offense including mitigating factors, potential for probation or supervision, and the probation officer's sentencing recommendations.

Victim-Impact Statement—Victims may make a written victim-impact statement and may read their statement in open court prior to the judge determining the sentence.

Sentencing Laws—The legislature decides the types of punishments that apply to each type of crime. In determining the sentence of a particular defendant, the court considers which sentence or combination



Dubuque County Courthouse, Dubuque

of sentences as authorized by the legislature, in the discretion of the court, will provide for the maximum opportunity for rehabilitation of the defendant and the protection of the community.

After careful consideration, the court will impose a sentence that generally may include any combination of the following: a fine, jail or prison term, probation, community service, and victim restitution. The amount of a fine or the term of incarceration entered against a defendant must be within the maximum and minimum limits set by the legislature. Judges do not have the legal authority to impose sentences outside these statutory limits.

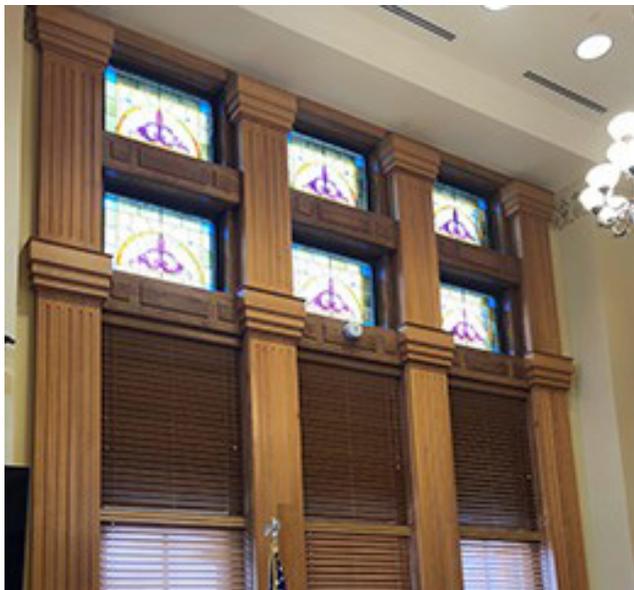
Incarceration—A defendant who receives a sentence of incarceration of one year or less typically serves that time in a local county jail. However, a defendant who is sentenced to a term of imprisonment greater than one year is placed in the custody of the Iowa Department of Corrections, an executive branch agency. This department determines which state prison facility the defendant will serve the sentence.

Parole—Defendants who are sent to a state prison facility may be released under supervision prior to the expiration of their sentence. This early release is known as parole. Parole is granted by the parole board, which is an executive branch body composed of citizens appointed by the governor and confirmed

THE IOWA DISTRICT COURT

District Court Procedures: Civil, Criminal, and Juvenile

Juvenile Court Procedure



Jefferson County Courthouse, Fairfield

by the senate. Certain conditions are attached to parole and monitored by a parole officer; if a defendant violates these conditions, parole may be revoked and the defendant returned to the prison facility to continue serving the remainder of the sentence.

Probation—Probation is another sentencing option. When ordering probation, the court will sentence the person to a term of incarceration, but will then suspend all or some of the incarceration and instead place the person on probation for a fixed period of time. If probation is successfully completed, then the suspended portion of the sentence is never imposed. A defendant who violates probation may have the probation revoked and the suspended sentence imposed.

Probation comes with court-ordered conditions attached, such as substance abuse treatment, restitution, community service, maintaining employment, etc. A defendant must comply with these conditions to successfully complete probation. A defendant who is on probation is placed under

the supervision of a community-based correctional program that monitors the defendant's compliance, typically accomplished through a probation officer. In Iowa, community-based correctional programs are public agencies that are supervised by appointed boards of directors.

Deferred Judgment—For certain types of cases, if the defendant qualifies, the court may grant the defendant a deferred judgment. If the defendant successfully completes certain conditions during a fixed period of probation, no conviction will be entered, no sentence imposed, and the crime will be removed from the public court record.

The juvenile court is a specialized court within the district court that presides over cases solely related to children, which include:

- Child in need of assistance cases, which typically involve neglected, abandoned, or abused children.
- Termination of parental rights cases, which involve severing the legal ties between parent and child.
- Delinquency cases, which involve acts that would typically be considered criminal if committed by an adult.
- Commitment proceedings, which involve the placement of a child in a hospital or other treatment facility to treat a mental illness or a substance abuse problem.
- Adoption.

Juvenile court cases involve a series of court hearings that differ somewhat from typical civil or criminal cases, depending on the type of case.

Parents have certain constitutional rights involving their children. Because of this, parents are afforded constitutional protections during most types of juvenile court proceedings involving their children.

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District Court Procedures: Civil, Criminal, and Juvenile

Child in Need of Assistance (CINA)

Removal—At the state’s request and with sufficient proof, a juvenile judge may remove a child from his or her home without a hearing if the child is in imminent danger. If a child is removed without a hearing, a hearing must be held within ten days of the removal for the judge to determine whether continued removal is necessary and to provide the child’s parents an opportunity to be present and heard.

Adjudication—A CINA case begins when the state files a petition that alleges a child is in need of assistance for certain statutory reasons, such as the parent being unable or unwilling to provide adequate care or supervision of the child, or the child has been abandoned, abused, or neglected.

At the adjudication hearing, the state will offer evidence and call witnesses to support its claim. The parents may deny and contest the allegations and offer evidence to refute the state’s claim. Or, the parents may agree that their child is in need of assistance so they can obtain necessary treatment and services they may be unable to otherwise obtain.

Disposition—After the adjudication hearing, the judge holds a disposition hearing. At the disposition hearing, the judge determines what services should be provided to the parents to help them overcome whatever problems led to the need for adjudication, what services should be provided to the child, and whether the child should be placed out of the home.

Review—The court must hold a review hearing every six months after a child has been removed from the home. At a review hearing, the judge will review the parent’s efforts to comply with court-ordered treatment and services, the condition of the child, whether additional services are needed, and the placement of the child.

Termination of Parental Rights (TPR)

The legal relationship between parent and child can be severed only under certain circumstances, as provided by the legislature. Only when a juvenile judge determines that the legal requirements have been met and that doing so is in the child’s best interests, can the judge enter an order terminating parental rights. This order permanently ends the parent’s legal relationship with the child, and makes the child eligible for adoption.

Delinquency Proceedings

In general terms, a delinquent act is an act committed by a child that would typically constitute a crime if committed by an adult. Because of these similarities to criminal court proceedings, many of the same constitutional protections afforded to adult criminal defendants are also provided to juveniles accused of committing a delinquent act.

Intake—In most situations involving delinquent behavior, the first step is intake. This is the



Montgomery County Courthouse, Red Oak

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District Court Procedures: Civil, Criminal, and Juvenile

preliminary screening of a complaint by a juvenile court officer and the child's parents. The purpose of intake is to determine whether the court should take action in the case. If the complaint is screened in, the case may proceed in two directions, either to informal adjustment or to the filing of a formal delinquency petition. The petition is typically filed by the state through the county attorney.

Informal Adjustment—If a matter proceeds by informal adjustment, the child, the parents, and juvenile court services sign an informal adjustment agreement that requires that the child admit the charges and agree to certain conditions of supervision. If the child obeys the conditions of the informal adjustment agreement, the child is released from the supervision of juvenile court services and no delinquency petition is filed.

Formal Proceedings—The filing of a delinquency petition triggers formal court proceedings. The petition contains allegations of the child's delinquent acts.

Adjudication—An adjudicatory hearing is a court hearing to determine if the allegations in the delinquency petition are supported by proof beyond a reasonable doubt. The child has the constitutional right to be represented by counsel. If the child cannot afford counsel, counsel will be provided at state expense.

Both sides present evidence largely in accordance with the Iowa Rules of Evidence, similar to a criminal trial, but without a jury. If the child is found not to have committed the alleged delinquent acts, the petition is dismissed and the child is no longer under the jurisdiction of the court. If the child is found to have committed the acts, the child is adjudicated a delinquent and then proceeds to disposition.

Disposition—A disposition hearing follows a determination of delinquency. At the disposition hearing the court determines the least restrictive

appropriate consequences or treatment for the child.

As a part of the disposition, the court will decide where the child will be placed and what terms of supervision will apply. Placement options include the child staying with the parents or being placed outside the home with a relative or friend of the family, foster care, a shelter, a treatment facility, or—as a last resort—the state training school. Supervision is typically accomplished through probation and monitored by the juvenile court officer. If a child successfully completes the probation, the child is released from supervision, and the court case will end.

The court will hold periodic review hearings to monitor the juvenile's progress and make changes to the terms of supervision and placement as needed until the case ends.

Waiver—In cases involving violent criminal behavior by older adolescents there may be a waiver hearing to decide if a child should be tried as an adult in criminal court. A juvenile judge may waive a child to adult court if the child is over fourteen years of age and there are no reasonable prospects to rehabilitate the child in juvenile court. If a child is sixteen or over and commits a certain type of felony, that child is automatically waived to adult criminal court and can then request to be waived back to juvenile court. Once waived to adult criminal court, the child is no longer under the jurisdiction of the juvenile court and is subject to the same criminal procedures and penalties as adults.

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District Court Procedures: Civil, Criminal, and Juvenile

Specialty Courts

The Iowa District Court also has specialty courts, which are courts designed to specialize in a particular field to better help in the resolution of certain types of cases.

Iowa Business Specialty Court

Certain complex business disputes may be handled in the business specialty court. While all district courts have the authority to hear these cases, moving them to a designated court allows these cases to move more quickly and at less expense for all parties. It also allows the cases to be heard by a business court judge, who has experience in handling complex cases and specialized knowledge in that field of law to draw upon, and allows for greater predictability in court rulings. Additionally, moving these time-consuming complex cases out of the regular district court frees up busy district court dockets to allow more time to handle traditional cases.

Problem Solving Courts

Problem solving courts are typically used in cases involving criminal conduct or child abuse or neglect. These courts do not follow the traditional adversarial approach to court proceedings. Instead, they look to address underlying conditions that lead to an individual's criminal or abusive conduct in the first place, such as substance abuse and untreated mental health disorders. These courts are a partnership between the court system and the local community

and aim to provide the support and services needed to overcome these issues. They typically bring together a judge, treatment professionals, attorneys, and private agency providers. These courts require regular treatment team meetings with the individuals to empower them to break free from the grip of things like substance abuse and mental health issues.

Graduation from the program is a key part of the treatment because it is an opportunity for all the members of the team to celebrate the completion of a rigorous and intensive road to recovery. Graduation often leads to family reunification, a new job, and a return to the community instead of incarceration.



Linn County Courthouse, Cedar Rapids



Jones County Courthouse, Anamosa



Keokuk County Courthouse, Sigourney

THE IOWA DISTRICT COURT

Snapshot of Iowa's District Court Case Load

The district court is a court of general jurisdiction, which means it has authority to hear a wide range of cases. It is where parties start their lawsuits, prosecutors file criminal charges, trials take place, lawyers offer evidence, witnesses testify, juries deliberate, and judges enter judgments. Most cases are handled through the district court. Iowa's district courts typically handle over 700,000 cases a year.

The following charts show the breakdown of case types and trends in the district court in recent years:

Year	Civil	Criminal	Misdemeanors	Juvenile	Commitment	Probate	Infractions	Total
2017	65,603	87,731	491,165	12,128	14,197	14,394	79,727	764,945
2018	61,744	93,105	475,723	12,088	13,709	14,325	87,380	758,074
2019	61,520	90,789	469,812	11,304	13,421	13,446	86,808	747,100
2020	50,292	79,129	380,582	8,813	12,764	13,216	68,117	612,913
2021	50,499	85,305	415,919	8,977	13,806	14,974	71,822	661,302

Civil Cases, including divorce, domestic relations, medical/dental malpractice, mortgage foreclosure, and debt collection

2017	65,603
2018	61,744
2019	61,520
2020	50,292
2021	50,499

Juvenile Cases, including delinquency, child in need of assistance, termination of parental rights, and juvenile mental health commitments

2017	12,128
2018	12,088
2019	11,304
2020	8,813
2021	8,977

Serious Criminal Cases

2017	87,731
2018	93,105
2019	90,789
2020	79,129
2021	85,305

Probate Cases

2017	14,394
2018	14,325
2019	13,446
2020	13,216
2021	14,974

Simple Misdemeanor Cases, including traffic citations

2017	491,165
2018	475,723
2019	469,812
2020	380,582
2021	415,919

Small Claims and Infractions Cases, including landlord tenant disputes

2017	79,727
2018	87,380
2019	86,808
2020	68,117
2021	71,822

Adult Mental Health Commitments

2017	14,197
2018	13,709
2019	13,421
2020	12,764
2021	13,806

Total filings, including contempt, and probation revocations

2017	764,945
2018	758,074
2019	747,100
2020	612,913
2021	661,302

Appellate Courts

A Snapshot of Iowa's Appellate Court Case Load

Iowa Supreme Court Justices



Front row, left to right: Justice Brent Appel, Chief Justice Susan Larson Christensen, Justice Thomas Waterman
Back row, left to right: Justice Dana Oxley, Justice Edward Mansfield, Justice Christopher McDonald, Justice Matthew McDermott

Iowa Court of Appeals Judges



Front row, left to right: Judge Michael R. Mullins, Judge Anuradha Vaitheswaran, Chief Judge Thomas N. Bower, Judge Mary Tabor, Judge David May
Back row, left to right: Judge Paul B. Ahlers, Judge Sharon Soorholtz-Greer, Judge Julie Schumacher, Judge Gina Badding

A party dissatisfied with a district court decision may appeal the decision to a higher court, known as an appellate court. An appellate court does not conduct trials or hear new evidence. An appellate court reviews the trial court record to determine whether the trial court made any significant errors. The appellate court can affirm, which means to uphold the decision of the lower court; reverse, which means to set aside the decision of the lower court; or remand, which means to send the case back to the lower court with instructions, such as instructions to hold a new trial. An appellate court decision is called an opinion. An opinion represents the collective decision of a majority of the judges or justices, rather than the decision of just one judge.

Iowa has two appellate courts: the Iowa Court of Appeals, which consists of nine judges, and the Iowa Supreme Court, which consists of seven justices. Each year, approximately 2,000 appeals are filed with the Iowa Supreme Court.

Of the opinions filed each year by the appellate courts, approximately 36% involve criminal matters; 25% involve juvenile matters; 9% involve postconviction-relief matters; 9% involve domestic matters; 9% involve tort, property, and contracts matters; 8% involve other types of appeals; 2% involve administrative matters; 1% involve trusts, estates, and wills matters; and less than 1% involve taxation matters.

Appellate Courts

Appellate Procedure

The Iowa Rules of Appellate Procedure govern the procedures used in Iowa appellate courts.

Notice of Appeal

A party wishing to appeal a decision must first file a notice of appeal. This must be filed within a specific time frame. The notice is filed with the clerk of district court in the county where the district court order was entered. The party filing the notice of appeal is generally called the appellant; the opposing party is called the appellee. The appellee may also appeal a district court decision, this is called a cross-appeal.

Preparation of the Appeal

Following the filing of the notice of appeal, the parties must follow a number of steps to prepare the case for submission to the appellate court.

Order Transcripts—In a typical case, the appellant orders the transcript of the lower court proceeding. The transcript is a written verbatim account of the trial court proceeding, produced by the court reporter.

Appellate Briefs and Appendix—A brief is a written document setting forth the facts, the party's legal arguments, and the relief sought from the appellate court. The filing deadlines for briefs vary depending upon the type of case.

The parties must also file an appendix. The appendix is a record of the trial court proceedings containing those parts of the trial court filings and exhibits most relevant to the issues raised on appeal. The appellant generally prepares and files the appendix.

The time required for the preparation of a typical case, from the filing of the notice of appeal to the filing of the final briefs, appendix, and the request for the transmission of the record, is about five or six months. Court rules allow for an expedited process for certain types of cases, such as child in need of

assistance and termination of parental rights appeals.

Case Screening

Once a case file is ready, the supreme court decides whether to keep the case or transfer it to the court of appeals. As a general proposition, cases which involve questions of the application of existing legal principles are transferred to the court of appeals. The supreme court may decide to retain a case if it raises substantial constitutional questions or if it involves a substantial issue not previously decided by the supreme court, substantial conflict with published Iowa court opinions, a fundamental and urgent issue of broad public importance, or lawyer discipline, among other factors and considerations.

Oral Argument

In some cases, parties are granted oral argument. While the briefs are the written arguments of the parties, oral argument allows the parties to give a verbal presentation of their legal argument to the appellate court and to answer any questions the justices or judges may have. While parties may request oral argument in their briefs, the appellate courts have complete discretion whether to grant oral argument.

The Opinion

The written ruling of an appellate court is called the opinion. After a case is submitted to the court, the justices or judges will discuss the case in private conference. Later, the justice or judge who has the assignment of writing the court's opinion will prepare a draft. The opinion writer circulates copies of the draft opinion to the other members of the court, who may comment on the draft. The draft may be revised several times until a majority of the justices or judges agree with the opinion and the final draft is complete. A justice or judge who disagrees with the opinion may write a dissent explaining why the justice or judge disagrees with the opinion. A justice or judge who agrees with the result, but not necessarily for the same

Appellate Courts

Appellate Procedure & Appellate Court Judges and Staff

reasons, may write a special concurrence explaining the different reasons.

Rehearing and Further Review

A party dissatisfied with a decision of the appellate court may file a petition for rehearing, asking the court that heard the case to reconsider its decision. However, rehearing is rarely granted.

After the court of appeal files an opinion, the parties may seek further review from the supreme court by filing an application for further review. On an application for further review, the supreme court considers things such as whether the court of appeals opinion was in conflict with a published Iowa opinion, the opinion decided a substantial question that had previously not been addressed, the opinion addressed an important question of changing legal principals, or the opinion addressed an issue of broad public importance. The supreme court has complete discretion whether to grant further review or not.

Appeals to the United States Supreme Court
The Iowa Supreme Court is the court of last resort in Iowa. Its decisions are final. However, if a case involves a question of federal law or an interpretation of the United States Constitution, a party may appeal to the United States Supreme Court. The United States Supreme Court has discretion to decide whether it will hear an appeal.



Iowa Court of Appeals Courtroom, Des Moines



Iowa Supreme Court Courtroom, Des Moines

Appellate Court Justices and Judges

Seven justices sit on the Iowa Supreme Court and nine judges sit on the Iowa Court of Appeals. All justices and appellate judges are appointed by the governor from a slate of nominees selected by the state judicial nominating commission. Upon expiration of the initial appointment term, the justices and judges must be retained by election of Iowa voters. If retained, supreme court justices serve eight-year terms and court of appeals judges serve six-year terms, and then must be retained by election again. Every two years, the supreme court justices select one of their members to serve as chief justice, and the court of appeals selects one their members to serve as chief judge.

Appellate Court Support Personnel

The Iowa Supreme Court and the Iowa Court of Appeals are assisted by staff attorneys and law clerks, who aid in research, case work, screening cases, and administration.

Additionally, the Clerk of the Supreme Court is responsible for maintaining and processing the records and filings in all appeals and assists with motions.

Iowa Judicial Branch Administrative Duties and Structure

As the constitutional head of the Iowa Judicial Branch and state court system, the Iowa Supreme Court, in addition to its case work, is also responsible for licensing and disciplining all attorneys in the state, promulgating the rules of procedure and practice used throughout the state courts, and overseeing the administration of Iowa's entire state court system.

The Unified Trial Court Act of 1973 (Act) reformed the Iowa state court system by establishing a unified trial court known as the Iowa District Court, which is headed by the Iowa Supreme Court. This legislation abolished over 500 justice-of-the-peace courts, 899 mayor's courts, 14 municipal courts, and 34 police courts. The Act established the positions of judicial magistrates and district associate judges. The Act also established simplified, cost-effective methods of handling minor civil and criminal cases.

Today, Iowa is one of a handful of states that has a unified court system that is primarily state funded. Under this arrangement, the state pays for the cost of general operations, including compensation and benefits for approximately 1,700 employees and judges, equipment and furniture, supplies, and communication and travel expenses. Each of the ninety-nine counties provide facilities in which the trial courts operate.

The state court administrator assists the supreme court with managing the statewide court system. The state court administrator's duties include gathering statistical data, arranging training and education programs for judges and staff, and overseeing the business aspects of the day-to-day operation of the state's court system.

For purposes of administration, Iowa is divided into eight judicial districts, some of which are further broken into subdistricts. Each district is headed by a chief judge. The chief judge, who is appointed by the supreme court, is responsible for overseeing all

district operations and judicial assignments within the district. Each chief judge is assisted by a district court administrator. District court administrators handle the day-to-day responsibilities of managing the financial and personnel business of the district as well as case scheduling.

The Judicial Council advises the supreme court with respect to the supervision and administration of the judicial branch. The council consists of the chief judges of the districts, the chief judge of the court of appeals, and the chief justice of the supreme court.

Finally, numerous committees and task forces assist with the administration of justice in Iowa. The Iowa Supreme Court and Judicial Council depend on these committees and task forces to advise them on a broad scope of topics, including rules of procedure, technology, child support guidelines, and most aspects of attorney regulation.

The Iowa Supreme Court is also responsible for drafting and maintaining the Iowa Court Rules. The Iowa Court Rules include:

- The procedures used in all appellate cases.
- The procedures used in all district court cases, such as civil, criminal, juvenile, and probate.
- Provisions regarding what evidence is allowed in a case and how that evidence may be presented.
- Attorney and judicial ethics and discipline.
- Judicial administration.
- Forms for self-represented litigants.



Iowa Judicial Branch Building, Des Moines

Iowa's Judiciary

Eligibility for Judicial Office

All judges and magistrates must be lawyers who are admitted to practice law in Iowa. They must also be a resident of the state, district, or county to which they are appointed (except magistrates, who may reside in a neighboring county). Nominees must be of an age to be able to serve a full term of office before reaching age seventy-two.

Judicial Selection

In 1962, Iowa voters approved a constitutional reform that replaced the process of selecting justices and judges by popular vote with a merit selection and retention election process. This reform, referred to as the Missouri Plan, promotes selection of the best-qualified applicants and ensures that Iowa has fair and impartial justices and judges who are accountable to the public, while at the same time keeping politics out of the courtroom. It also eliminates the need for justices and judges to raise money from political parties, special interest groups, and others for an election campaign, an activity that may compromise impartial decision-making.

The merit selection system involves a nonpartisan commission that reviews the qualifications of applicants for judicial office. Applicants provide the commission with extensive information about their education, professional career, and qualifications. In addition, the commission conducts interviews of all candidates. Once the commission screens and interviews the applicants, it forwards a slate of nominees to the appointing authority.

The appointing authority varies according to the type of judgeship. The governor appoints supreme court justices, court of appeals judges, and district judges. The district judges appoint associate judges for their judicial district. The magistrate appointing commission in each county appoints magistrates.

State Judicial Nominating Commission

The state judicial nominating commission interviews applicants and selects nominees for appointment to the Iowa Supreme Court, as well as the Iowa Court of Appeals. This commission is composed of:

- A chair, who is selected by the commission members.
- Eight commissioners elected by Iowa lawyers.
- Nine commissioners appointed by the governor and confirmed by the senate.

All commissioners serve for a term of six years, and cannot serve a second term.

From the pool of applicants the commission selects three nominees. The governor then appoints one of them to fill the judicial vacancy.

District Judicial Nominating Commissions

District judicial nominating commissions are responsible for screening applicants and selecting nominees for district judgeships. There is a nominating commission for each of Iowa's fourteen judicial election subdistricts.



Davis County Courthouse, Bloomfield

Iowa's Judiciary

District judicial nominating commissions are responsible for screening applicants and selecting nominees for district judgeships. There is a nominating commission for each of Iowa's fourteen judicial election subdistricts.

Each district commission has eleven members, including:

- A chair, who is the most senior district judge in the district.
- Five members elected by Iowa lawyers.
- Five members appointed by the governor.

Each commissioner, except the chair, serves a six-year term. The chair serves as long as that person remains the most senior district judge.

From the pool of applicants, the district nominating commission selects two nominees. The governor then appoints one of them to fill the vacancy.



Mahaska County Courthouse, Oskaloosa

Magistrate Appointing Commissions

Each county has a magistrate appointing commission to appoint magistrates and to assist with the selection of district associate judges, associate juvenile judges, and associate probate judges.

Each magistrate appointing commission is comprised of the following members:

- A district judge who serves as chair and who is designated by the chief judge of that judicial district.
- Up to three nonlawyer members appointed by the board of supervisors.
- Up to two attorneys elected by the attorneys in the county.

Appointed and elected commissioners serve six-year terms.

For district associate judges, associate juvenile judges, and associate probate judges, the magistrate appointing commission selects three nominees from the pool of applicants. The district judges for that district then select one of the nominees to fill the vacancy. For the magistrate position, the magistrate appointing commission appoints a person from the pool of applicants to fill the vacancy.

Judicial Retention Elections

All judicial officers, except magistrates, must stand for retention election at the first general election one year after the initial appointment, and then near the end of each regular term. In a retention election, judges do not have opponents; voters do not pick which person will become the judge. Instead, voters decide whether the judge will remain in office or not. If a judge receives a simple majority of “yes” votes, then the judge may serve another full term. If not, then the vacancy is filled as outlined above.

The length of a regular term varies according to the type of judgeship:

- Eight years for a supreme court justice.
- Six years for a court of appeals judge, district judge, and district associate judge.
- Six years for an associate juvenile judge or associate probate judge.
- Magistrates serve four-year terms but are not subject to retention elections.

Iowa's Judiciary

Judicial Qualifications Commission

The Judicial Qualifications Commission is an independent entity that investigates allegations of judicial misconduct. The commission does not review complaints about the merits of judicial decisions. In other words, filing a complaint with the commission is not a substitute for an appeal.

The commission is composed of four nonlawyers appointed by the governor and confirmed by the senate, and a district judge and two lawyers appointed by the Chief Justice of the Iowa Supreme Court. Commission members serve staggered six-year terms, and may not serve a second term.

The commission dismisses unfounded complaints. If the commission decides a complaint is warranted, it will further investigate the claim. A matter pending before the commission is confidential until the commission files an application with the supreme court recommending the court take disciplinary action. The supreme court can discipline or remove a judge for good cause, including: persistent failure to perform the judge's duties, intemperance, willful misconduct in office, conduct which brings the judicial office into disrepute, or violations of the Code of Judicial Conduct. The supreme court can also retire a judge for a permanent physical or mental disability that substantially interferes with the judge's duties.

Judicial Accountability

Iowa's system of government is carefully designed to foster fair and impartial courts while maintaining judicial accountability through a series of checks on judicial power:

- If a party believes a judge made an error in a case, the party may appeal to a higher court to review the judge's ruling.
- If citizens disagree with a judge's interpretation of a law, they may petition the legislature to amend the law and change the law's effect going forward.
- If citizens disagree with a court's interpretation of the constitution, they have the ultimate power to amend the constitution to undo the court's

interpretation.

- If a person thinks a judge has behaved unethically, the person may ask the Judicial Qualifications Commission to investigate.
- The citizens ultimately determine whether a justice or judge is retained through judicial retention elections.

In these ways, Iowa courts are accountable to the law, to the constitution, and to the people.



Tama County Courthouse, Toledo

MORE INFORMATION



Scan to visit our website

Visit the Iowa Judicial Branch online at www.iowacourts.gov to learn more about the structure and role of Iowa's courts and for self-help tools and resources.

Self-Help: http://www.iowacourts.gov/For_the_Public/Representing_Yourself_in_Court/

General information about court procedures, family law and juvenile law, and forms and guidance to assist individuals representing themselves in certain court cases, including small claims and divorce. Also includes information about how to find a lawyer.

Court Rules: <https://www.legis.iowa.gov/law/courtRules/courtRulesListings>

Court Forms: <https://www.iowacourts.gov/for-the-public/court-forms/>

Court-approved forms—free of charge—for divorces, small claims, domestic abuse, child support, and more.

Supreme Court Decisions: <https://www.iowacourts.gov/iowa-courts/supreme-court/supreme-court-opinions/>

Court of Appeals Decisions: <https://www.iowacourts.gov/iowa-courts/court-of-appeals/court-of-appeals-court-opinions/>

Public Information: http://www.iowacourts.gov/For_the_Public/Overview/

General information about the courts, judges, procedures, court history, and Iowa courthouses; a special section for students and teachers; and information about public events.

News Service: http://www.iowacourts.gov/For_the_Media/News_Releases/

Includes statewide news releases, the names of court officials at the state and local level who work with the media, general statistical information about the court system, information about audio and video coverage of the courts, and other useful resources for the media.

eFile: <https://www.iowacourts.gov/efile/>

Electronic filing services, including submitting court filings online and access to other online services.

Iowa Courts Online: <https://iowacourts.state.ia.us/ESAWebApp//SelectFrame>

Search online court records.

Pay a Court Fine or Debt: <https://www.iowacourts.gov/for-the-public/pay-a-fine/>

Careers: http://www.iowacourts.gov/Administration/Career_Opportunities/index.asp

Directory: <http://www.iowacourts.gov/iowa-courts/court-directory/>

Complaints About Judges and Lawyers: <https://www.iowacourts.gov/for-the-public/complaints/>

Jury Service Information: <https://www.iowacourts.gov/iowa-courts/jury-service>

Legal Glossary: <https://www.iowacourts.gov/for-the-public/educational-resources-and-services/common-legal-terms/>

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