IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: ADMINISTRATION OF POLK COUNTY JUVENILE COURT AND FIFTH DISTRICT JUVENILE JUDGE DESIGNATION	AMENDED ADMINISTRATIVE ORDER 2020-66

The State Public Defender has advised the undersigned that, effective October 1, 2021, it is changing its designation for appointments in CINA and delinquency cases in Polk County. This change in designation requires that the protocol for appointment as previously set out in Administrative Order 2020-66 be amended to reflect the priorities outlined in the new designation.

IT IS THEREFORE ORDERED that paragraph 10 of Administrative Order 2020-66 is amended as follows, effective immediately:

10. Appointment of Counsel: In order to assure compliance with Iowa Code §§13B.9 (5) and 815.10(1), judges shall coordinate the appointment of counsel in juvenile cases through court administration. All appointment of counsel notices shall include the date, time and place for the next scheduled hearing. The Juvenile Court Case Coordinator shall appoint counsel pursuant to the following protocols.

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a. Protocol for appointment of contract attorneys: Contract attorneys shall be appointed to represent indigent parties in juvenile cases on a rotational or equalization basis. The Case Coordinator shall maintain records of calls and court appointments. The Case Coordinator shall maintain an updated list of contract attorneys. The Case Coordinator shall contact attorneys for appointment in alphabetical order as they appear on the list. Contract attorneys shall make themselves available to the Case Coordinator for appointment or shall authorize a representative of their office to accept an appointment on their behalf. If, when called by the Case Coordinator, an attorney is unavailable, has not authorized a representative to accept the appointment, or does not return the Case Coordinator's call within a reasonable time frame, the Case Coordinator shall note this on the record and contact the next attorney on the list. If a contract attorney is unavailable for three calls in succession, the attorney may be deleted from the appointment list by court administration. In addition, if an attorney fails to appear for a scheduled hearing and/or does not follow the standards of conduct as set forth in the Iowa Rules, the attorney may be removed from the list. Emergency appointments of counsel may be made by judges. On re-opened cases, or new cases with siblings or a new delinquent charge of a child

already in the system, the Case Coordinator shall appoint the previous or current attorney assigned to the case to assure continuity in the attorney/client relationship. When this occurs, this shall be noted on the record of appointments and taken into account in the rotation of appointments to assure equalization of appointments. Appointment of counsel is a personal appointment. The attorney accepting an appointment agrees to be personally present at all hearings.

b. Protocol for Appointment in New Delinquency Cases: Pursuant to Iowa Code §13B.9, the Case Coordinator shall appoint the Juvenile Public Defender in all new delinquency cases, with the Youth Law Center appointed to the first co-defendant; other co-defendants shall be appointed a contract attorney in accordance with the protocols outlined herein. The Juvenile Public Defender or Youth Law Center attorney assigned to the case shall file an appearance within five (5) business days of the appointment. If the Juvenile Public Defender withdraws due to a conflict of interest or because of a temporary overload of cases, the JPD shall contact the Youth Law Center for appointment. If the Youth Law Center withdraws due to a conflict of interest or because of a temporary overload of cases, the Case Coordinator shall contact a contract attorney for appointment in accordance with the protocol set forth in paragraph 10(a) above.

c. Protocol for Appointment in New CINA cases:

(1) For Appointment of Guardian Ad Litem: Pursuant to Iowa Code §815.10, the Case Coordinator shall assign appointments as Guardian Ad Litem for children in CINA cases to the YLC and contract attorneys on an alternating basis. In the event there are multiple cases involving more than one child, only one GAL shall be appointed per family.

(2) For Appointment of Attorneys for Parents: The Case Coordinator shall appoint the Juvenile Public Defender to represent an indigent parent. Any subsequent appointments for other parents shall be to contract attorneys in accordance with the protocols set forth, that is, alphabetical with the goal of equalization of appointments.

d. Determination of Indigence and Confirmation of Appointment: At the earliest opportunity following appointment of counsel by the Case Coordinator, the Court shall review the party's affidavit of financial status and application for appointment of counsel and either confirm the appointment by court order or disqualify counsel.

IT IS FURTHER ORDERED that the remainder of Administrative Order 2020-66 shall remain in full force and effect.

Dated this 4th day of October, 2021.

MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
All Fifth Judicial District & Associate Court Judges
All Fifth Judicial District Senior Judges
Chief Juvenile Court Officer, John Hawkins
Polk County Clerk of District Court, Anne Sheeley
Fifth Judicial District Court Administrator Christopher Patterson
Fifth Judicial District Assistant District Court Administrators
All Fifth Judicial District Case Coordinators
All Polk County District Associate and Juvenile Court Attendants/Judicial Assistants
Polk County Attorney's Office, Juvenile Division, Jim Ward
Juvenile Public Defender's Office, Matt Sheeley
Polk County Department of Human Services, Mike McInroy
Youth Law Center, Michael Sorci
Polk County Bar Association
Polk County Women Attorneys
Drake Law School Children's Rights Clinic
Honorable Susan Christensen, Iowa Supreme Court
Honorable Edward Mansfield, Iowa Supreme Court Liaison Justice
John Goerdt, Interim State Court Administrator