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AROUND THE CAPITOL

Chief Justice Christensen delivered the Condition of the Judiciary speech; both chambers adjourned at the finish of her speech. Chief Justice Christensen also released an order for all Judicial Branch employees to undergo training to deal with implicit bias. The Judicial Branch is requesting an increase in its budget to about \$202.5 million, or 6.7% over the existing budget. The additional funds will be used for salary increases and for additional judges and staff members.

CONDITION OF THE JUDICIARY

Chief Justice Christensen said that Judicial Branch learned to deal with COVID over the past year. She said that the courts are fully operational and with the experience from the last year, will make some of the emergency changes permanent. She said that courts remain “laser focused on our steadfast commitment to ensure each and every Iowan has meaningful access to justice.”

She said that one example in how the emergency changes have helped is how the audio and video improvements, used to facilitate remote meetings, have also made it easier for jurors to hear testimony in the court and to see the evidence being presented.

Christensen said that the Supreme Court is sending a proposal for revised criminal procedure rules to the Legislative Council. She said that it has been the 44 years since the last major revision, and in the words of Justice Mansfield, the rules have become “wordy, out of date and hodge-podgy.”

Christensen said that the distributive work pilot project, designed to allow work to be moved from a busy county to a less busy county, has been successful enough to be extended from two districts to all eight judicial districts.

Christensen said a task force is doing a comprehensive review of the juvenile justice system. Christensen said that the system in Iowa is decentralized with “governance, funding and data collection” divided among the Judicial Branch, the DHS, the DHR and the DPH and that well-intentioned improvements in one part can have “unintended ripples throughout the system.” She said that improving results in the juvenile justice system remains her priority. She said that having judges ask why a child can’t go home that day has reduced the number of children removed from families by half.

INITIATIVES FROM GOVERNOR REYNOLDS

Governor Reynolds moved forward with two initiatives that she announced in her “Condition of the State” speech: the Iowa Health Careers Registered Apprenticeship Program and the Teacher and Paraeducator Registered Apprenticeship Grant Program.

Governor Reynolds said that the health careers program will give high school students the opportunity work in health care as part of an effort to address the health care workforce shortage in Iowa and to give the students the chance to see if they want health care careers. She said, “Solving Iowa’s health care work force shortage requires a broad and holistic approach comprised of both short and long-term strategies and investments. There’s no better place to start than in our high schools - introducing students to simulated and hands-on learning in the health care field that could potentially turn into a life-long career. Our communities and health care industry will benefit greatly from developing these public-private partnerships and innovative collaborations.

Under the program, grant recipients will be able to establish apprenticeship programs, such as the one at the Pella Career Academy. Students are paid while receiving training and real-world experience in careers such as certified nursing assistants, medical surgical tech, lab tech and phlebotomist.

Governor Reynolds said that the second program gives high school students a chance to earn a paraeducator certificate and associates degree. The DOE and DWD will have \$9 million from the American Recue Plan to develop the model program. Under the plan, schools will work with community colleges and colleges and universities on the required coursework. The plan includes funding for tuition and fees and wages up to \$12 for the students. Tuition and fees up to \$7,000/year for up to three years at a community college.

TODAY IN THE LEGISLATURE

House Files: 1 (HF 2023)

House Study Bills: 1 (HSB 535)

Senate Files: 8 (SF 2012 - SF 2019)

Senate Study Bills: 24 (SSB 3001 - SSB 3024)

HOUSE & SENATE AGENDA

THURSDAY, JANUARY 13, 2022		
7-9 AM	<i>Iowa Board of Educational Examiners</i>	<i>East & North Rotunda</i>
7-9:30 AM	<i>2022 Iowa Juvenile Court Services Association Legislative Breakfast</i>	<i>West & South Rotunda</i>
8:30 AM	HOUSE CONVENES	<i>House Chamber</i>
9 AM	SENATE CONVENES	<i>Senate Chamber</i>
9 AM-NOON	JOINT SESSION: MAJOR GENERAL BENJAMIN CORELL - CONDITION OF THE NATIONAL GUARD	<i>House Chamber</i>
10 AM-1 PM	<i>Governor's Proclamation Signing - January 2022 as Slavery & Human Trafficking Prevention Month. Presentation of five Outstanding Anti-Trafficking Service Awards.</i>	<i>Rotunda</i>
11:30 AM	Senate State Government Committee	<i>Room 116</i>

SUBCOMMITTEE MEETINGS

THURSDAY, JANUARY 13, 2022		
9:30 AM	Senate Veterans Affairs Subcommittee SF 255 CONTACTING DISCHARGED VETERANS: Lofgren (C), Ragan , Reichman	<i>Room 217</i>
1 PM	House Agriculture Subcommittee HSB 500 CRP PROPERTY: Latham (C), Hansen , Ingels	<i>House Lounge</i>
	House Commerce Subcommittee SF 468 IOWA COAL: Fisher (C), Cisneros , McConkey (reassigned)	<i>Room 304.1</i>
	House Human Resources Subcommittee HSB 504 ASSISTANCE IDENTIFICATION: T Moore (C), Andrews , Bennett	<i>Room 19</i>
	House Information Technology Subcommittee HSB 534 CYBERSECURITY: Gobble (C), Brink , Smith	<i>Room 102</i>
1:30 PM	House Judiciary Subcommittee HSB 529 SEX ABUSE EVIDENCE: Westrich (C), Gustafson , B Meyer	<i>House Lounge</i>

HOUSE SUBCOMMITTEE ASSIGNMENTS

<u>EDUCATION</u>		
HF 2008	AT-RISK FUNDING	Ingels (C), R Smith, Thompson
HF 2009	SCHOOL RESOURCE OFFICERS	Wheeler (C), Mascher, Salmon
HF 2019	ADVANCED OPPORTUNITIES	Wills (C), R Smith, Stone
HF 2020	TEACHER ASSESSMENT II	T Moore (C), Mascher, Wheeler
HF 2021	TEACHER ASSESSMENT III	Brink (C), Gobble, Mascher
<u>HUMAN RESOURCES</u>		
HF 2017	PROVISIONAL PSYCHOLOGISTS	Fry (C), Brown-Powers, A Meyer
<u>JUDICIARY</u>		
HF 2014	ASSISTED REPRODUCTION	Jones (C), Anderson, Wheeler
HF 2022	MAGISTRATES	Jacobsen (C), Kaufmann, Olson
<u>LOCAL GOVERNMENT</u>		
SF 384	EMPLOYING DEPUTY ASSESSORS	Westrich (C), Donahue, Wheeler
<u>STATE GOVERNMENT</u>		
HF 800	DRIVING ATVS	Kaufmann (C), Cohoon, Mitchell
<u>WAYS & MEANS</u>		
HF 2001	DANCE STUDIO EXEMPTION	Mitchell (C), Gjerde, Jones

SENATE SUBCOMMITTEE ASSIGNMENTS

<u>EDUCATION</u>		
SF 310	ENGLISH LANGUAGE PILOT PROJECT	Carlin (C), Giddens, Goodwin (reassigned)
SF 545	LEARNING RECOVERY TASK FORCE	Cournoyer (C), Quirnbach, Sweeney
<u>JUDICIARY</u>		
SF 339	HIRING UNAUTHORIZED WORKERS	Garrett (C), Kinney, Schultz
<u>STATE GOVERNMENT</u>		
HF 803	PA DUTIES	Cournoyer (C), Bisignano, R Smith (reassigned)
<u>TRANSPORTATION</u>		
SF 2001	VEHICLE INSURANCE PROOF	Klimesh (C), J Smith, Zumbach
<u>VETERANS AFFAIRS</u>		
SF 255	CONTACTING DISCHARGED VETERANS	Lofgren (C), Ragan, Reichman

HOUSE FILES (HF 2023)

[HF 2023 CAUCUS SPACE CHARGES](#) (**Fisher**) (State Government)

Requires that there be no charge for the space for caucuses which are held in buildings supported with public funds.

HOUSE STUDY BILLS (HSB 535)

[HSB 535 BAIL FORFEITURE](#) (Judiciary) **Gustafson** (C), **Mitchell**, **Wessel-Kroeschell**

Extends the period of notice before bail is forfeited to 30 days' notice to the defendant and sureties.

SENATE FILES (SF 2012 – SF 2017)

[SF 2012 COVID TESTS](#) (**Nunn** & **9 R's**) (Labor)

Prohibits the Labor Commissioner from enforcing federal OSHA standards that require employers to determine if an employee has been vaccinated for COVID, has had a COVID test and what the results of the test and whether the employee has had COVID.

[SF 2013 DOULA COVERAGE](#) (**Petersen**, **15 D's**) (Human Resources)

Requires DHS to amend managed care contracts and submit any needed waivers or amendments to include coverage for doulas under Medicaid maternity care.

[SF 2014 JUDICIAL NOMINATING COMMISSIONS](#) (**Garrett**) (Judiciary) **Garrett** (C), **Boulton**, **Schultz**

Allows the Governor to appoint one additional member to the District Judicial Nominating Commissions for a total of six. Prohibits more than three of the appointees from being of the same gender. Removes the senior district judge from the commissions and allows the commissions to elect their own chair.

[SF 2015 COGNITIVE SCREEINGS](#) (**Brown**) (State Government) **Brown** (C), **Guth**, **Jochum**

Allows speech pathologists and audiologists to do cognitive screenings if the practitioner has the appropriate training. Allows the practitioner to refer the patient to a health care professional based on the results of the screening.

[SF 2016 NON-MEDICAL SWITCHING](#) (**Carlin**) (Commerce)

Prohibits health plans from limiting coverage of a prescription drug for a covered person if the person is medically stable, as determined by medical professionals, the person was previously approved for the drug by the coverage plan and the prescriber has issued a prescription for the drug in the last six months. Includes exceptions for equivalent generic drugs, for federal actions or the discontinuance of the drug. Requires that the plan have an option for a covered person to seek a coverage exemption and for expedited procedures for decisions. Includes other provisions on coverage decisions. Similar to [HF 656](#) approved in committee last year.

[SF 2017 ELECTRONIC VOTER REGISTRATION](#) (**Jochum**, **9 D's**) (State Government)

Requires the State Registrar of Elections (Secretary of State) to use electronic driver's license records to register voters. Requires the DOT to submit such records to SOS. Requires county commissioners (auditors) to review the records. Allows a person to decline to be registered to vote. Establishes notification and other related requirements. Similar to [HF 138](#)

SENATE FILES (SF 2018 – SF 2019)

SF 2018 BUILDING CODES (**Sinclair**) (Local Government)

Prohibits local governments from adopting building codes, or other ordinances or rules, that regulate the use of building materials that are approved in national codes, that are more stringent than national codes or that diminish the rights of private property owners. Effective on enactment.

SF 2019 RR WALKWAYS (**T Taylor**) (Transportation)

Establishes standards for walkways in rail yards. Includes both recommendations and requirements for such walkways. Allows the DOT to order a railroad to build a walkway or to change a walkway for safety reasons. Allows waivers for showing of undue hardship to the RR, or other good cause. Requires that a written complaint about a walkway be filed with the RR first and gives the RR time to respond. Establishes procedures for a DOT hearing. See [HF 183](#)

SENATE STUDY BILLS (SSB 3001 – SSB 3006)

SSB 3001 COSMETIC VEHICLE DAMAGE (Transportation) **Brown** (C), **Dickey**, **J Smith**

Allows the owner of wrecked or salvaged vehicle to apply for a regular title without repairing cosmetic damage and does not require the owner to submit a salvage theft examination certificate when applying for the title. Exempts a vehicle that is wrecked or salvage due to cosmetic damage from the requirements regarding salvage theft examinations. Defines cosmetic damage as dents, scratches, hail damage and similar damage that is not to component parts that affect the safe operation of the vehicle.

SSB 3002 COMPUTER SCIENCE GRANTS (Education) **Cournoyer** (C), **J Smith**, **J Taylor**

Allows the recipients of grants for computer science professional development to spend the money until the September 30th past the fiscal year the grants are awarded.

SSB 3003 MH LOAN REPAYMENTS (Education) **Cournoyer** (C), **Quirmbach**, **Sweeney**

Establishes a MH professional loan repayment program in the CSC. Requires the professional to practice for five years (full-time) or seven years (part-time). Gives priority to lowans and members of the Iowa National Guard. Limits loan repayments to \$8,000 annually and \$40,000 overall. Creates a fund, establishes reporting requirements and includes other implementing provisions.

SSB 3004 REQUIRED IMMUNIZATIONS (Education) **Kraayenbrink** (C), **Celsi**, **Johnson**

Allows only the State Board of Health to require additional immunizations for daycare of K-12 students. Pre-empts local ordinances. Deems religious and medical exceptions apply to any immunization requirements from the State Board.

SSB 3005 STUDENT HEALTH SCREENINGS (Education) **Sinclair** (C), **Rozenboom**, **Trone** **Garriott**

Prohibits schools from doing invasive physical exams, or screenings not required by law, of students without written permission. Makes exceptions for emancipated minors, emergent care situations and child abuse assessments.

SSB 3006 PHARMACY MATTERS (State Government) **Reichman** (C), **Jochum**, **Cournoyer**

Allows an RN to give immunizations and vaccines under the order of pharmacist using statewide protocols without a registration from the BOP. Strikes certain requirements for a non-resident pharmacy to show evidence of giving out a toll-free number on prescriptions on its licensing application. (BOP)

SENATE STUDY BILLS (SSB 3007 – SSB 3016)

[SSB 3007](#) DISASTER FUNDS (State Government) **Cournoyer** (C), **Celsi**, **Reichman**

Allows the DHS/EM to use the interest from flood recovery funds to reimburse the expenses of voting board members and for other costs. Effective on enactment. (DHS/EM)

[SSB 3008](#) IOWA HOMELESS COUNCIL (State Government) **Koelker** (C), **Bisignano**, **Cournoyer**

Reduces the number of members of the Iowa Council on Homelessness to 11 voting public members and 8 non-voting agency directors. Makes related procedural changes and changes to the authority of the Council. (IFA)

[SSB 3009](#) ANNUAL COMPREHENSIVE REPORTS (State Government) **Johnson** (C), **Giddens**, **Goodwin**

Changes references to the annual state comprehensive financial report. (DAS)

[SSB 3010](#) ANTISEMITISM (Judiciary) **Schultz** (C), **Bolkcom**, **Zaun**

Defines antisemitism using the definition from the International Holocaust Remembrance Alliance. Requires the state to use this definition when determining if violations of law have been done for a discriminatory reason and for anti-bias training.

[SSB 3011](#) SELLING HEROIN (Judiciary) **Dawson** (C), **Kinney**, **Zaun**

Increases the penalties for the manufacture or delivery, or possession with intent, for heroin: Class B felony (for amounts over 100 grams); Class C (for amounts under 100 grams).

[SSB 3012](#) BANNING AUTOMATED TRAFFIC ENFORCEMENT (Judiciary) **Zaun** (C), **Bisignano**, **Garrett**

Bans the use of automated traffic enforcement devices. Prohibits the DOT and the DPS from sharing information to enforce such violations through existing compacts, unless the compact specifically authorizes sharing such information. Requires local governments to stop using such devices by July 2022 and voids any local ordinances but deems tickets mailed before then to be valid.

[SSB 3013](#) SPOUSAL COMMUNICATIONS (Judiciary) **Garrett** (C), **Petersen**, **Shipley**

Adds six exceptions to the spousal communication privilege (threats against the spouse or third party, communications that have already been disclosed, are criminal in nature or that have no relationship to the mutual trust between spouses, if the spouses are separated or as otherwise determined by the court). See [HSB 528](#)

[SSB 3014](#) WILLS (Judiciary) **Garrett** (C), **Boulton**, **Johnson**

Allows a witness to a will to be present electronically. Requires a clerk of courts to provide a certified copy of a will to an executor only on the request of the executor. See [HSB 526](#)

[SSB 3015](#) PRO SE MOTIONS (Judiciary) **J Taylor** (C), **Boulton**, **Reichman**

Allows defendants, and applicants for post-conviction relief, to file certain pro se motions for the disqualification of counsel, for notice of appeals and for motions to withdraw. See [HSB 524](#)

[SSB 3016](#) HEARSAY EVIDENCE (Judiciary) **Shipley** (C), **Garrett**, **Kinney**

Makes an exception to hearsay rules to allow specific out-of-court statements in various sex offense trials where the victim is a child or developmentally disabled or otherwise cognitively impaired. Requires notice to the adverse party and includes other requirements for admission. Includes requirements on jury instructions if the statement is admitted. See [HSB 522](#)

SENATE STUDY BILLS (SSB 3017 – SSB 3024)

SSB 3017 BAILABLE OFFENSES (Judiciary) **Garrett** (C), **Bolkcom**, **Schultz**

Adds certain sex abuse offenses to the list of offenses that require a person to appear before a magistrate before the person can be released on bail. See [HSB 523](#)

SSB 3018 SEX ABUSE EVIDENCE (Judiciary) **Shipley** (C), **Garrett**, **Kinney**

Deems that the rule of evidence for sexual abuse cases applies to discovery proceedings and post-conviction proceedings. See [HSB 529](#)

SSB 3019 MOVE OVER VIOLATIONS (Judiciary) **Reichman** (C), **Bisignano**, **J Taylor**

Allows an officer, a driver of a protected vehicle, to file a written report 72 hours after an incident regarding a vehicle that fails to move over for a stopped emergency/law enforcement vehicle. Requires the investigating officer to contact the owner of the vehicle. Allows the owner to be cited and creates a permissible inference that the owner was the driver. (DPS)

SSB 3020 DISTRICT ASSOCIATE JUDGES (Judiciary) **Garrett** (C), **Boulton**, **Schultz**

Changes the appointment formula for district associate judges to mirror the weighted caseload formula for appointing district judges. (Judicial Branch)

SSB 3021 APPOINTING ATTORNEYS (Judiciary) **Schultz** (C), **Bolkcom**, **Garrett**

Allows a court to appoint two attorneys for an indigent defendant if one of the attorneys is an assistant state public defender in the Wrongful Conviction Division. (State Public Defender)

SSB 3022 VIDEO HEARINGS (Judiciary) **Garrett** (C), **Boulton**, **Schultz**

Allows video/telephone hearings in non-contested criminal cases for various matters on the motion of a party. Allows for such hearings in contested cases on the motion of a party if the hearing can be handled efficiently without prejudicing any party. (State Public Defender)

SSB 3023 COURT ADMINISTRATOR SALARY (Judiciary) **J Taylor** (C), **Bisignano**, **Rowley**

Strikes the salary range for the State Court Administrator and makes corresponding changes to allow the Chief Justice to set the salary of the position. (Judicial Branch)

SSB 3024 DRUG POLICY (Judiciary) **Shipley** (C), **Bolkcom**, **J Taylor**

Changes references in regard to the duties of the Iowa Drug Policy Coordinator and increases the number of members on the advisory council to 17. (Governor's Office on Drug Control Policy)

CHIEF JUSTICE SUSAN CHRISTENSEN CONDITION OF THE JUDICIARY (FULL TEXT)

Mr. President, Mr. Speaker, Members of the General Assembly, Governor Reynolds, Lt. Governor Gregg, state officials, colleagues, family, friends and all Iowans who are, once again, watching remotely or here in person. Thank you for the opportunity to address this joint convention of the 89th General Assembly on the condition of the judiciary. As introduced, I am Suzy Christensen. I continue to live in Harlan with my husband of 40 years, Jay. He is with me today as well as four of our five children and a couple of our grandchildren.

Last year, I gave my first Condition of the Judiciary. Not only did I mix up naming the two guys behind me, but much to my family's amusement, I messed up naming my own grandchildren. I would like to stop their ruthless teasing and fix that monumental boo boo right now: Logan, Karsyn, Connor, Emily, Jack, Levi (last year's forgotten child) and our newest addition, Grayson.

Emily Dickinson wrote, "HOPE is the thing with feathers." It's like a feathered bird forever perched in the soul of every human. You may remember that I started and ended last year's speech on the theme of HOPE. At that point, we were not yet one year into this pandemic. Emotions were swirling in every direction - frustration, anger and a paralyzing fear just to name a few. We were learning to adapt to unprecedented circumstances, and my intent was to send a positive message - to let the people of Iowa know that the judiciary did not succumb to COVID-19 and we remained open for business to ensure continued access to justice.

This year, I'd like to make PEACE the theme of my Condition of the Judiciary. It's been said that PEACE does not mean to be in a place where there is no noise, trouble or hard work. No. Peace means to be in the midst of those things and still be calm in your heart. While leading the judiciary during a pandemic that is now entering its third year, acquiring a sense of peace has been absolutely critical for me. I'd like to share with you a story about finding peace amongst the noise, trouble and hard work that comes along with life's challenges. I've told this story in only a couple quaint settings as a way of showing the importance of stick-to-itiveness. But it seems appropriate today for a larger audience because of the pandemic times we're experiencing and the temptation to say, "I don't want to do this anymore" when there is very important work yet to be done.

As you may know, my oldest son, Nic was diagnosed with cerebral palsy at the age of two. During adolescence, Nic's heart was full of wishes, but hands down - number one was to drive a car. Like every other kid. So we signed him up for regular driver's ed and took him to Omaha for a special driver's ed that would help him learn to drive with hand controls. On July 13, 1998 - his 16th birthday - I took him to a driver's license station outside Shelby County because our hometown office wasn't open for licensing that day. We took a number and waited. And waited. And waited . . . while other people came and went.

I started to smell a rat. I went to the front desk and asked, "Is there a problem?" at which time I learned they were waiting for someone to take Nic for a test drive. I called ahead of time and was told he wouldn't have to drive. And we didn't have his car with hand controls. I whispered so Nic wouldn't hear, "May I see your supervisor?" I went into her office alone and asked why she was requiring Nic to drive. She said, "Because we can all see he's handicapped." I knew at that moment I wanted to pounce like a lawyer. But I was there as Nic's mom. I put on my sunglasses, to hide my tears, and walked out of her office. I headed over to Nic and said, "Come on bud." He said, with his chin quivering, "Am I not getting my license today?" "No buddy, not today."

It was a painfully quiet ride on the way home. Neither one of us said a word. I knew what just happened was BIG and we needed to talk about it. So I pulled over. "Nic, are you okay with what happened back there?" He slowly shook his head no. I told him that if he was my client, I would have said more, but I didn't want to embarrass him. Nic said, "I like it when you fight for me." (*continued*)

CHIEF JUSTICE CHRISTENSEN CONDITION OF THE JUDICIARY (FULL TEXT CONTINUED)

Okay. I was just hired. And this was the legal advice I gave my new client: If something like this ever happens to you again, I want you to:

- (1) Say "That's not fair." Everyone knows what that means.
- (2) Ask the person, "What's your name?"
- (3) Call me.

Although Nic was very aware of his own diagnosis, cerebral palsy was not something our family ever talked about. It was just a normal part of our lives. But I decided to ask him something I never dared ask before. "Nic, what is the hardest part about having CP?" I made a conscientious effort to keep my mouth shut, to not answer for him. He looked straight ahead and pondered, for maybe 45 or 60 seconds. That's a really, really long time when you're waiting for an answer.

During that pause, my mind raced. What will he say? Maybe that he can't walk independently? Or that he talks different than everyone else? Or how about having the driver's license lady literally crush his dream right before his eyes? He finally turned to me and said, "I can't think of anything."

He couldn't think of one thing that's hard about having CP. And I was ready to fill his head with a bunch of negative things. Up to that day, we tackled one day at a time. Some of those days were unremarkable, others were a nightmare like the day he turned 16 years old. But Nic's response, "I can't think of anything" gave me a sudden and palpable sense of PEACE amidst a storm that continues to rage even today. If I ever had a doubt before - and I had many - for the first time, I truly believed, "We are going to get through this, Nic."

You might wonder what my story about Nic has to do with the Condition of the Judiciary. Today, as I look in the judicial branch's 2021 rear view mirror, I sense a similar feeling of PEACE in the midst of ongoing challenges. COVID has had an abrupt and brutal impact on the judiciary. Last year, we spent most of the year trying to figure out new ways to perform basic fundamental tasks in our quest to provide Iowans' access to justice. Another year has now passed. What's different? Not only did everyone in the judicial branch get really good at handling the daily challenges that once nearly threw us under the bus, but we got stronger. We got better. And you can feel it. We are not on auto pilot, but there is certainly a sense of calmness, a sense of peace.

Each and every one of our judicial branch members has been a profile of what it takes to work effectively in a crisis and move us to this profound sense of peace within our branch. A sense of, "We can get through anything" even in the midst of this COVID storm that continues to rage. We were also able to accomplish many great things this past year because you, our legislature, provided us with a steadier platform on which to base Iowa's administration of justice by increasing our funding. On behalf of the entire judiciary, thank you.

Here are just a few highlights of the 2021 judicial branch accomplishments as the pandemic continued to swirl around most every aspect of our lives. These accomplishments helped to ensure all Iowans would have continued access to our judicial branch. A more detailed summary can be found in our Annual Report which was released just today.

You may recall that last year I talked about a distributive work pilot program coming out of the 1st and 4th judicial districts where work from one busier county is shared with judicial branch employees in a less busy county in the same district. Like I said then, for one county to be able to assist another county in need within the same district keeps each county relevant - no matter the size. We expanded those pilots and today, I am excited to report that all eight judicial districts have either begun distributive work processing or are in the final stages of implementing such a plan. *(continued)*

CHIEF JUSTICE CHRISTENSEN CONDITION OF THE JUDICIARY (FULL TEXT CONTINUED)

Something else that has had uniform application across the state involves much needed improvements in our courtrooms. When I was a trial judge, one of 6 the most common complaints made by jurors in virtually every trial was that they could not hear well in the courtroom. They had trouble hearing witnesses testify or lawyers make their closing arguments. The problem wasn't their hearing - it had to do with poor acoustics in big, old courtrooms. It is incredibly concerning if a juror cannot hear every word uttered during a trial.

Something pretty cool happened to address that problem. Through the use of Iowa CARES funding, new technology was installed in nearly every courthouse across the state. This technology does more than allow us to hold virtual hearings with video-conferencing. One of the bells that came with this new technology is a sound system and strategically placed microphones which enhance the ability for jurors to hear clearly. One of the whistles that came along is an evidence presentation capability which allows jurors to clearly view exhibits rather than having hard copies passed through the jury box. The benefits of this technology made available with CARES funding will be utilized by every county and certainly last years beyond COVID.

During the last Condition of the Judiciary, I detailed the steps the judicial branch has taken to ensure that all persons are treated equally before the law. I also assured you that the judicial branch would remain steadfast in its commitment in identifying and implementing tools that will assist us in becoming better public servants. In 2021, that monumental journey continued.

All Iowans should be proud that the judicial branch is taking active steps to become a leader when it comes to research and education on issues related to procedural fairness and access to justice. Given the educational investments we've already made, the judicial branch is well-positioned to continue our role as a leader in the area of educating judges and court personnel. Of course, leadership requires making sober assessments concerning what needs are not being met. In 2021, we recognized that in order for us to continue to properly serve the people of this great state, we need to develop a more comprehensive educational curriculum for judges and judicial branch employees. These educational opportunities would embrace a full range of adult learning. Issues related to race and disproportionality will remain critical components of our educational curriculum. Simply put, expanding the range of educational opportunities for judicial officers and judicial branch staff will help enable the judicial branch to achieve our mission of administering justice under the law equally to all people, whether you live in Polk County or Page County.

Starting in July, and for the first time since becoming chief, I began traveling to our eight judicial districts. I wanted to personally listen to the many voices of our legal profession in this great state. I asked local lawyers and judges, "What are we doing well? What could we do better? What should I take back to Des Moines?" My sojourn took me to Dubuque, Mason City, Sioux City, Council Bluffs, Des Moines, Indianola, Cedar Rapids, Davenport, Ottumwa, Fairfield and Oskaloosa.

Speaking of Oskaloosa, Justice Waterman, Justice Oxley and I were invited to attend the Mahaska County Bar's weekly lunch. With the exception of Thanksgiving, they have been meeting for lunch every single Thursday since well before FDR was President of the United States. Garold Heslinga has been a card-carrying member of the Mahaska County Bar since 1948. Interesting little fact for legal nerds like myself. Mr. Heslinga was the prevailing attorney in the spring-gun case of *Katko v. Briney*, a staple of most every law school tort class.

Each and every town or city I visited was deeply committed to honoring the legal profession and proud to show off their stomping grounds. What I learned through these visits will equip me with a deeper understanding of what Iowan's from every corner of our state need from the judiciary to ensure access to justice. One of the reasons I wanted to get out to the districts was because the judicial branch was beginning to plan for a post COVID-19 world. *(continued)*

CHIEF JUSTICE CHRISTENSEN CONDITION OF THE JUDICIARY (FULL TEXT CONTINUED)

We reviewed about 30 formal COVID orders entered by our court and considered the numerous informal policies and practices that had popped up across the state. Did it make sense to simply unwind our orders in an effort to get back to normal? Maybe not. Some of the emergency changes ended up being really good changes that might not have ever happened if the pandemic hadn't forced our hand.

In an effort to evaluate what changes were made in the prior year, the Lessons Learned Task Force was established by the supreme court. I fondly refer to this as the Lemonade Task Force. The task force was made up of representatives such as court reporters, district court and state court administration, trial court and appellate judges, clerks of court, and attorneys in private practice as well as county attorneys and the state public defender's office. They were tasked with reviewing all of the supervisory orders and making recommendations to the supreme court on rules, policies or practices that should be retained, modified or stopped.

The task force submitted its recommendations to the supreme court. After careful review of the task force's recommendations, public comments and considering the current status of the pandemic, on December 6th we entered one COVID order to replace all of the earlier orders.

This omnibus order recognizes the court system is 100 percent fully operational, but we are continuing some practices adopted on an emergency basis when the pandemic started. These practices not only keep court proceedings moving along but allow people to participate in a meaningful way without jeopardizing health or conflicting with work schedules.

Here are a few examples of what's included in the court's December 6th omnibus order which balances the need for efficiency with the value of doing business in person: In criminal cases, the defendant does not have to appear at certain pretrial proceedings or depositions, and sentencing can go forward with parties appearing by remote video technology. Juvenile courts may conduct proceedings such as child in need of assistance and termination of parental rights by videoconference. In family law matters, courts may conduct divorce or custody trials by videoconference as needed. It is clear from a review of the lemonade task force's recommendations that there was a heavy reliance on the significant work being done by the criminal rules committee already in place pre-pandemic.

This month the court is also approving and sending to Legislative Council a comprehensive revision of the rules governing all criminal cases in Iowa. Since the current rules came into effect nearly 44 years ago, they have undergone piecemeal amendments but no comprehensive review. In the words of Justice Mansfield who chaired the task force reviewing our criminal rules, this piecemeal approach resulted in our rules becoming somewhat "wordy, out of date and hodge-podgy."

The comprehensive revision is the work product of a task force made up of prosecutors, judges, and defense lawyers from around the state as well as representation from Drake and Iowa law schools. The proposed rules are streamlined and fill in some gaps where the old rules didn't reflect what is actually being done in court. A few substantive changes are recommended by the committee, but only where there was consensus between prosecution and defense that the change would be an improvement.

Many of those substantive changes are the result of lessons learned during COVID and would make permanent some of the language included in the criminal portion of our December 6th supervisory order. Right about the time our criminal rules task force began winding down its four-year project, we threw other court rules into the hopper for review. In particular, Justice Oxley is chairing a task force charged with reviewing our rules of appellate procedure, and Justice Waterman is chairing a task force charged with reviewing our rules of evidence. I look forward to updating you on the work of those newer task forces when their reviews are completed. (continued)

CHIEF JUSTICE CHRISTENSEN CONDITION OF THE JUDICIARY (FULL TEXT CONTINUED)

You may remember last year, I announced that juvenile justice is my priority as chief. In particular, I am committed to ensuring that Iowa stands out among all the other states in implementing Family First, a federal funding bill based on the belief that kids do best with their families. I am so thrilled to stand up here today and say we can start to check that box off.

The 4 Questions, 7 Judges program catapulted from pilot status to statewide implementation based on its proven effectiveness at cutting removals by nearly half. There is now talk about asking specific questions not only at the time of removal but at two other critical points in a child welfare case:

- (1) after a child is actually removed; and
- (2) once the family is reunited.

An example of what kind of question could be asked at those critical stages came from one of our outstanding colleagues, the late Judge Colin Witt. In his courtroom, Judge Witt began asking, "Why can't this child go home today?" The Witt Question has begun to spread across the state. Perhaps it will become a pilot program of its own? We're not the only ones impressed by the 4 Questions program. Street Roots is an Oregon publication dedicated to the topic of homelessness and extreme poverty. About two months ago, an article was published called "Foster Care Shuffle."

The focus of this article was Iowa's 4 Questions, 7 Judges program because it was showing evidence of success in reducing the number of moves for kids in foster care. Other states were encouraged to replicate Iowa's program. And apparently that's happening, because we continue to field calls from other states who are attempting to adopt a similar program. And the judicial branch isn't alone in its mission to keep Iowa's children in the home, with family, whenever it can be done safely. As a part of Family First implementation, the department of human services took the lead on a review of Iowa's juvenile justice legislation found in Iowa Code Chapter 232 and proposing code changes to comply with Family First requirements. I thank DHS for beginning this conversation and I assure you that the Judicial Branch is committed to working with all stakeholders to implement Family First.

I'd like to end my speech by sharing with you something truly exciting that will be happening in the not so distant future. I think it's going to have a profound impact on Iowa's entire juvenile justice system. In Iowa, our juvenile justice system is made up of two different kinds of judicial proceedings for children. In child welfare cases, it is the court's job to protect the child from the actions of someone else, sadly - that is usually a close family member. You may have heard of a CINA proceeding which is short for Child in Need of Assistance. In those cases, the court relies heavily on the expertise and attention of the Department of Human Services in trying to keep kids in their family home or reunite the family after they have been provided rehabilitative services.

A second kind of juvenile proceeding involves delinquency cases. In those cases, it is the court's job to protect society from the criminal acts of a child. In those types of cases, the court relies heavily on the expertise and attention of juvenile court probation officers in supervising the child and providing rehabilitative services. Oftentimes, children are living in both of those worlds - CINA and delinquency - where the child's parents cannot provide a safe home and the child has acted out in a way that has resulted in criminal charges being filed.

It has been almost 30 years since Iowa's juvenile justice system has had a comprehensive, holistic review. Unlike nearly every other state, our juvenile justice system is decentralized with its services, governance, funding and data collection divided among four different entities: (1) the judicial branch; (2) the department of human services; (3) the department of human rights; and (4) the department of public health. *(continued)*

CHIEF JUSTICE CHRISTENSEN CONDITION OF THE JUDICIARY (FULL TEXT CONTINUED)

In the past few years, stakeholders implemented various programs intended to improve the juvenile justice system from their perspective. While well intentioned, those individualized improvements oftentimes have unintended ripples throughout the system. The Iowa Supreme Court recently established a Juvenile Justice Task Force to review the continuum of care in our juvenile justice system and make recommendations to improve services, governance, funding and data collection as well as address the system's racial and gender disparities. Task force members are made up all kinds of experts in the juvenile justice world such as service providers, law enforcement, judges, juvenile court officers, county attorneys, public defenders, private attorneys, youth and family members as well as the four state entities I mentioned earlier. Knowing that the recommendations may very well include revisions to our current laws, we are honored to have legislators on our task force as well. Thank you, Senator Cournoyer, Senator Ragan, Representative Mohr and Representative Wessel-Kroeschell for agreeing to serve on this very important task force. The work of this task force could not be completed without staff support which is being provided by Creighton, Drake and Iowa law schools. It is our plan to release a task force report in November of this year, so stay tuned.

I'm sure it will be mentioned in next year's Condition of the Judiciary. I promised this was the end of my speech - sharing the exciting news about the newly formed Juvenile Justice Task Force. But I'd like to add a P.S. Remember Shawn and his journey through family treatment court? In preparation for today's speech, of course I had to check in with him. I learned that he is in the process of buying his first home ever. And of course I asked him, how many days of sobriety? As of today, that number is 1,396 (4 months shy of 4 years). Shawn and his son, Rylan, are here today with Shawn's twin brother, Jason. Once again, thank you, Shawn, for allowing me to share your story of HOPE and how Iowa's judicial branch provided a path for your enduring sobriety.

In closing, I want to thank my colleagues for their commitment to our work and to the legislature for its support of our work and for giving me this opportunity to speak with you today. As chief, I look forward to providing Iowans with a sense of PEACE that we've got this. The judicial branch will continue to block out all the noise brought on by the pandemic and stay laser focused on our steadfast commitment to ensure that each and every Iowan has meaningful access to justice.