

IOWA COURT RULES

FIFTH EDITION

November 2013 Supplement



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ADMINISTRATIVE CODE EDITOR

PREFACE

The Fifth Edition of the Iowa Court Rules was published in July 2009 pursuant to Iowa Code section 2B.5(2). Subsequent updates to the Iowa Court Rules, as ordered by the Supreme Court, are published in electronic format only and include chapters that have been amended or adopted.

The Iowa Court Rules and related court documents are available on the Internet at <https://www.legis.iowa.gov/IowaLaw/courtRulesListing.aspx>.

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Citation: The rules shall be cited as follows:

Chapter 1	Iowa R. Civ. P.
Chapter 2	Iowa R. Crim. P.
Chapter 5	Iowa R. Evid.
Chapter 6	Iowa R. App. P.
Chapter 32	Iowa R. of Prof'l Conduct
Chapter 51	Iowa Code of Judicial Conduct

All other rules shall be cited as "Iowa Ct. R."

Supplements: Supplements to the Fifth Edition of the Iowa Court Rules have been issued as follows:

August 2009	December 2010	September 2013
September 2009	February 2011	
October 2009	January 2012	
November 2009	May 2012	
December 2009	June 2012	
January 2010	August 2012	
February 2010	September 2012	
March 2010	December 2012	
May 2010	March 2013	
June 2010	May 2013	
August 2010	June 2013	
September 2010	August 2013	

November 2013 Supplement

Changes in this supplement

Rule 8.36..... Adopted

Rule 34.7..... Corrected

Rule 17.100, Forms 101 to 128 Replaced

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Replace Chapter 17

Replace Chapter 34

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CHAPTER 8 RULES OF JUVENILE PROCEDURE

DISCOVERY AND NOTICE OF DEFENSES

Rule 8.1 Scope of discovery. In order to provide adequate information for informed decision making and to expedite trials, minimize surprise, afford opportunity for effective cross-examination and meet the requirements of due process, discovery prior to trial and other judicial hearings should be as full and free as possible consistent with protection of persons and effectuation of the goals of the juvenile justice system.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.2 Delinquency proceedings.

8.2(1) Access to records. Upon the request of counsel for a juvenile who has been referred for intake screening on a delinquency complaint, the state shall give the juvenile's counsel access to all documents, reports and records within or which come within its possession or control that concern the juvenile or the alleged offense.

8.2(2) Informal discovery sufficient. Although informal discovery methods are preferred, upon good cause shown, depositions and interrogatories by any party may be permitted by the court in delinquency proceedings except where they conflict with these rules or with statutes. Ordinarily, however, depositions and interrogatories shall not be permitted for issues arising under Iowa Code section 232.45(6)(b) after filing of a motion to waive jurisdiction.

8.2(3) Affirmative defenses. If a juvenile alleged to have committed a delinquent act intends to rely upon the affirmative defenses of insanity, diminished responsibility, intoxication, entrapment, or self-defense [justification], the juvenile shall file written notice of the intention not later than the time set by the court for said filing and in any event not less than ten calendar days prior to the adjudicatory hearing, except for good cause shown.

8.2(4) State's right to expert examination. Where a juvenile has given notice of the use of the defense of insanity or diminished responsibility and intends to call an expert witness or witnesses on that issue at trial, the juvenile shall, within the time provided for the filing of pretrial motions, file written notice of the name of such witness. Upon such notice or as otherwise appropriate the court may upon application order the examination of the juvenile by a state-named expert or experts whose names shall be disclosed to the juvenile prior to examination.

8.2(5) Notice of alibi. If a juvenile alleged to have committed a delinquent act intends to offer an alibi defense, the juvenile shall file written notice of such intention not later than the time set by the court for the filing of pretrial motions or at such later time as the court directs. The notice of alibi defense shall state the specific place or places the juvenile claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the juvenile intends to rely to establish such alibi. In the event that a juvenile shall file such notice the prosecuting attorney shall file written notice of the names and addresses of the witnesses the state proposes to offer in rebuttal to discredit the alibi. Such notice shall be filed within ten days after the filing of the juvenile's witness list, or within such other time as the court may direct.

8.2(6) Failure to comply. If either party fails to abide with the notice requirements of rule 8.2(3), 8.2(4), or 8.2(5), such party may not offer evidence on the issue of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense without leave of court for good cause shown. In granting leave, the court may impose terms and conditions including a delay or continuance of trial. The right of a juvenile to give evidence of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense in his or her own testimony is not limited by this rule.

8.2(7) Multiple offenses. Two or more delinquent acts which arise from the same transaction or occurrence or from two or more transactions or occurrences constituting parts of a common scheme or plan, when alleged and prosecuted contemporaneously, shall be alleged and prosecuted as separate counts in a single delinquency petition unless, for good cause shown, the juvenile court in its discretion determines otherwise.

8.2(8) Separate petition(s). In cases not subject to rule 8.2(7), a separate delinquency petition shall be filed for each delinquent act.

[Report February 21, 1985, effective July 1, 1985; April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.3 Child in need of assistance and termination proceedings. Although informal discovery methods are preferred, Iowa R. Civ. P. divisions V and VII, governing discovery, depositions and perpetuation of testimony, shall apply to proceedings under Iowa Code chapter 232, divisions III and IV, where not otherwise inconsistent with these rules or applicable statutes.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

MOTION PRACTICE

Rule 8.4 General rule. Any motion filed with the juvenile court shall be promptly brought to the attention of the judge or referee by the moving party.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.5 Motions for continuance in all proceedings. A motion for continuance shall not be granted except for good cause. Any order granting a continuance shall state the grounds therefor.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

PRETRIAL CONFERENCES

Rule 8.6 Pretrial conferences discretionary. In all actions the juvenile court may in its discretion order all parties to the action to appear for a pretrial conference to consider such matters as will promote a fair and expeditious trial.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

SPEEDY HEARING

Rule 8.7 General rule. It is the public policy of the state of Iowa that proceedings involving delinquency or child in need of assistance be concluded at the earliest possible time consistent with a fair hearing to all parties.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.8 Delinquency. If a child against whom a delinquency petition has been filed has not waived the right to a speedy adjudicatory hearing, the hearing must be held within 60 days after the petition is filed or the court shall order the petition dismissed unless good cause to the contrary is shown.

8.8(1) Entry of a consent decree shall be deemed a waiver of the child's right to a speedy hearing.

8.8(2) The provisions contained herein shall be applicable notwithstanding a motion or hearing to waive jurisdiction pursuant to rule 8.9 or 8.10.

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.9 Motion to waive jurisdiction. A motion under Iowa Code section 232.45 must be filed within ten days of the filing of the petition.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.10 Hearings regarding waiver. A hearing on a motion to waive jurisdiction filed pursuant to Iowa Code section 232.45 shall be held within 30 days of the filing of said motion unless good cause to the contrary is shown.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.11 Child in need of assistance adjudicatory hearings. The adjudicatory hearing on a child in need of assistance petition shall be held within 60 days of the filing of said petition unless good cause to the contrary is shown. Failure to comply with this rule shall not result in automatic dismissal, but any such failure may be urged as grounds for discretionary dismissal.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

Rule 8.12 Temporary removal hearings. Whenever a child has been removed pursuant to Iowa Code section 232.78 or 232.79, a hearing under Iowa Code section 232.95 shall be held within ten days of such removal.
[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002]

DELINQUENCY PROCEEDINGS

Rule 8.13 Corroboration of accomplice or solicited person. An adjudication of delinquency shall not be entered against a juvenile based upon the testimony of an accomplice or a solicited person unless corroborated by other evidence which tends to connect the juvenile with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof. Corroboration of the testimony of victims shall not be required.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.14 Suppression of evidence. Motions to suppress evidence shall be raised by motion of the juvenile specifying the ground upon which the juvenile claims the search and seizure to be unlawful. Motions to suppress evidence shall be filed not later than the time set by the court for said filing and in any event not less than ten calendar days prior to the adjudicatory hearing, except for good cause shown.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.15 Multiple juvenile defendants. Two or more juveniles may be tried jointly if in the discretion of the court a joint trial will not result in prejudice to one or more of the parties. Otherwise, the juvenile defendants shall be tried separately. When tried jointly, the juvenile defendants shall be adjudged separately on each count.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.16 Evidence at detention, shelter care, and waiver hearings. The probable cause finding made at a shelter or detention hearing under Iowa Code section 232.44 and at waiver of jurisdiction hearings under Iowa Code section 232.45 shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. The juvenile defendant may cross-examine witnesses and may introduce evidence in his or her own behalf.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.17 Venue in delinquency cases where child has been placed in another judicial district. Where a juvenile has been placed in another judicial district and is alleged to have committed a delinquent act or acts during such placement, venue, for the purpose of conducting the adjudicatory hearing, shall be in the judicial district where the delinquent act or acts are alleged to have occurred. However, the juvenile court which originally placed the juvenile shall have the option of requesting that venue be transferred to it for the purpose of conducting the adjudicatory proceedings. If the juvenile is adjudicated of committing a delinquent act or acts in the judicial district of the juvenile's placement, venue of the matter shall be transferred to the juvenile court which previously placed the child pursuant to the original dispositional order for the purpose of conducting any dispositional and subsequent review hearings.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

CINA AND TERMINATION PROCEEDINGS

Rule 8.18 Child abuse reports. The juvenile court shall retain founded child protective assessment reports for ten years. Notwithstanding the foregoing, when notified by the Department of Human Services that the report shall be expunged, the juvenile court shall destroy the report pursuant to Iowa Code section 235A.18. The juvenile court shall retain all other child protective assessment reports for five years from the date of intake at which time the clerk shall destroy the reports. Notwithstanding the foregoing, child protective assessment reports which are received into evidence in a juvenile proceeding shall be retained for so long as the case file is retained and shall not be destroyed pursuant to this rule.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.19 Admissibility of evidence at temporary removal hearings, hearings for removal of sexual offenders and physical abusers from the residence, and examination hearings. The finding of imminent risk of harm allowing for the temporary removal of a child from his or her

parent, guardian or custodian under Iowa Code section 232.95, the finding that probable cause exists to believe that a sexual or physical abuse has occurred and that the presence of the alleged sexual offender or physical abuser in the child's residence presents a danger to the child's life or physical, emotional or mental health under Iowa Code section 232.82, and the finding that probable cause exists to believe a child is a child in need of assistance pursuant to section 232.2(6)(e) or (f) for purposes of establishing grounds for examination of the child pursuant to Iowa Code section 232.98 shall be made by substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002; February 22, 2002, effective May 1, 2002]

Rule 8.20 Motions to vacate an order for termination of parental rights. Any request by a biological or putative parent to vacate an order terminating parental rights pursuant to Iowa Code chapter 600A must be filed within 30 days from the entry of said order. The 30-day period for filing a motion to vacate such order shall not be waived or extended.

[Report April 7, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 8.21 CINA and termination of parental rights orders, informational notice regarding appeal. If a court enters an order in an Iowa Code chapter 232 CINA, termination of parental rights, or post-termination proceeding, the order shall contain a written notice that an appeal by an aggrieved party must be taken pursuant to Iowa R. App. P. 6.101(1)(a), the notice of appeal must be filed within 15 days of the entry of the order, and a petition on appeal must be filed within 15 days thereafter. The absence of such language from an order will not affect the time for filing a notice of appeal or a petition on appeal.

[Report August 31, 2001, effective January 1, 2002; November 9, 2001, effective February 15, 2002; April 21, 2003, effective July 1, 2003; October 31, 2008, effective January 1, 2009]

PROCEDURE FOR JUDICIAL WAIVER OF PARENTAL NOTIFICATION

Rule 8.22 General principles.

8.22(1) These rules shall be interpreted to provide expeditious and confidential proceedings in accordance with Iowa Code chapter 135L.

8.22(2) All references in these rules to the clerk shall mean the clerk of the district court and shall include the clerk's designee.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.23 Petition for waiver.

8.23(1) Form. A minor who seeks waiver of parental notification prior to obtaining an abortion shall petition the court in a manner substantially complying with the form that accompanies these rules. This form, along with other forms that accompany these rules for use in waiver proceedings, shall be available at the offices of all clerks of court. All petitions shall state the manner by which the minor desires to receive notification of the court's decision and whether a similar petition has previously been presented to and refused by any court.

8.23(2) Assistance. The clerk shall assist the minor in completing and filing the petition.

8.23(3) Filing. A petition is filed for the purposes of these rules when it is date and time stamped in the clerk's office. The clerk shall present the petition to the court immediately upon filing.

8.23(4) Anonymity and confidentiality. The minor may file a petition using a pseudonym and the petition shall not contain any information, such as social security number, address, or name of parents, by which the minor may be identified. A sworn statement containing the case number, and the minor's true name, date of birth, and address shall be filed simultaneously with the pseudonymous petition. The clerk of court shall issue to the minor a certified copy of the sworn statement, which shall identify her to the provider of abortion services as the minor for whom a petition to waive notification was granted or denied. The clerk shall then place the original sworn statement under seal. Notwithstanding

any other provision of Iowa law or these rules, the seal on the statement containing the minor's true name may not be broken except upon court order in exigent circumstances or at the minor's request. [Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.24 Appointment of counsel. The clerk shall inform the minor that she has a right to a court-appointed attorney without cost to her. The court shall appoint an attorney for the minor upon her request. The attorney shall serve as counsel on appeal.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.25 Appointment of guardian ad litem. The court may appoint a guardian ad litem, and shall appoint a guardian ad litem if the minor is not accompanied by a responsible adult, as that term is defined in the statute, or has not viewed the video under Iowa Code section 135L.2.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.26 Advisory notice to minor.

8.26(1) Upon the filing of any petition for waiver of parental notification, the clerk shall provide the minor a copy of the Advisory Notice to Minor form that accompanies these rules.

8.26(2) The clerk shall document in the court file that a copy of the advisory notice has been provided to the minor.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.27 Scheduling. Immediately upon filing the petition, the clerk shall set or secure the date for the hearing and so advise the minor if she is present. Otherwise, notice of hearing shall follow the procedures of rule 8.28. The hearing shall be held within 48 hours of the filing of the petition unless the minor or her attorney requests an extension of time within which a hearing shall be held. If the request for extension of time is granted, the deadline for filing any decision on appeal shall be extended for a like period of time.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.28 Notice of hearing. If the court determines that a guardian ad litem and/or an attorney for the minor should be appointed in accordance with Iowa Code section 135L.3(3)(b), the clerk shall notify said person(s) as well as any other person(s) designated by the minor not less than eight hours before the time fixed for a hearing, unless there is a waiver of the notice requirement by said person(s), or the time is reduced or extended by the court. Service of notice may be by acceptance of service. The only notice provided to the minor shall be by the minor making inquiry of the clerk of court following the entry of the order scheduling the hearing. Notice shall be provided by the clerk only to the above-named person(s).

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.29 Burden of proof and standard of evidence. The minor shall have the burden of proving the allegations of her petition by a preponderance of the evidence.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.30 Record required. In accordance with Iowa Code section 624.9, and consistent with the confidentiality requirements of rule 8.32, stenographic notes or electronic recordings shall be taken of all hearings held pursuant to Iowa Code chapter 135L and said record shall not be waived.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.31 Order granting or denying petition.

8.31(1) Time for granting or denying waiver. An order either granting or denying waiver of parental notification with findings of fact and conclusions of law shall be filed immediately following

the hearing and in no event later than 48 hours from the filing of the petition or from the hearing if an extension is granted under rule 8.27.

8.31(2) *Procedure in default of hearing and order.* If the court fails to hold the hearing and rule on the petition within the time provided by these rules, the petition is deemed granted and the waiver is deemed authorized. In the event the petition is deemed authorized, the clerk shall immediately issue the certification form that accompanies these rules to the minor or her attorney.

8.31(3) *Delivery of order or certification.* The clerk shall deliver the order under rule 8.31(1), or the certification under rule 8.31(2), in the manner requested by the minor in the petition. The order or certification shall specify the person(s) to whom the clerk shall provide a copy. A copy shall be available to the minor at the clerk's office.

8.31(4) *Notification of appeal rights.* If the petition is denied, the order shall include notice of the right to appeal to the Iowa supreme court, the time period within which appeal must be filed and a copy of the applicable rules of appellate procedure.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.32 Confidentiality of documents and hearings.

8.32(1) *Records.* In accordance with Iowa Code chapter 135L and these rules, all records of parental notification proceedings are confidential. All confidential records shall be kept sealed and opened only as necessary for the conduct of proceedings for waiver of parental notification, an appeal of the district court decision, or as ordered by a court.

8.32(2) *Hearings.* The hearing shall be held in a confidential manner, preferably in chambers. Only the minor, her attorney, her guardian ad litem, and the person(s) whose presence is specifically requested by the minor, her attorney, or her guardian ad litem may attend the hearing on the petition.

8.32(3) *Purging of files.* The clerk shall destroy all records and files in the case when one year has elapsed from any of the following, as applicable:

a. The date that the court issues an order waiving the notification requirement or the date the waiver is deemed authorized under rule 8.31(2).

b. The date after which the court denies the petition for waiver of notification and the decision is not appealed.

c. The date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted.

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.33 Juvenile Procedure Forms — General. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated.
Rule 8.33 — Form 1: *Petition for Family in Need of Assistance.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
JUVENILE COURT

IN RE THE FAMILY OF _____; UPON THE PETITION OF _____ A CHILD/CHILDREN or A PARENT, GUARDIAN or CUSTODIAN	JUVENILE NO. _____ <p style="text-align: center;">PETITION FOR FAMILY IN NEED OF ASSISTANCE</p>
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The petitioner respectfully states to the court that _____ [child/children] and _____ [parent, guardian or custodian] are a family in need of assistance within the purview of Iowa Code sections 232.122 through 232.127, in that there has been a breakdown in the familial relationship. In support thereof, petitioner states as follows:

[STATE BRIEFLY FACTS RELIED ON TO SUSTAIN PETITION.]

Petitioner has sought services from _____, a private or public agency, to maintain and improve the familial relationship, but the relationship has not improved and petitioner now requests the aid of the court.

The name(s) and residence(s) of the child/children are _____.

The age(s) of the child/children is/are _____.

The names and residences of the living parents, guardian or custodian are _____.

The name and address of the guardian ad litem are _____.

WHEREFORE, the undersigned prays that the court set a time and place for hearing on the petition, appoint counsel for the child, order that notice be directed to all parties in interest in a manner provided by law, and upon hearing adjudicate this family to be a family in need of assistance and make such order or orders as may maintain and improve the familial relationship.

Petitioner

Address

VERIFICATION

State of Iowa }
_____ County } ss

I, _____, being duly sworn, depose and say that I have read and signed the foregoing petition and that the allegations therein made are true to the best of my information and belief.

Petitioner

Subscribed and sworn to before me this _____ day of _____, 20 ____.

Notary Public or Deputy Clerk

SOURCE: Iowa Code §232.125, 232.126, 232.127; 8.33, Form 1.
[Report 1983; November 9, 2001, effective February 15, 2002]

Rule 8.33 — Form 2: Order Setting Hearing, Appointing Counsel and Giving Notice (Family in Need of Assistance).

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
JUVENILE COURT

IN RE THE FAMILY OF

_____;

UPON THE PETITION OF

A CHILD/CHILDREN or A PARENT,
GUARDIAN or CUSTODIAN

JUVENILE NO. _____

**ORDER
SETTING HEARING, APPOINTING
COUNSEL AND GIVING NOTICE
(FAMILY IN NEED OF ASSISTANCE)**

To: _____

You are hereby notified that there is presently on file in this court a verified petition alleging the above-named family to be a family in need of assistance; a copy of the petition is attached. An adjudicatory hearing on the merits of the petition is set for the time and place stated below.

You are further notified that the court shall appoint counsel or a guardian ad litem to represent the interests of the child at the adjudicatory hearing unless the child already has such counsel or guardian and that the court shall appoint counsel for the parent, guardian, or custodian if that person desires but is financially unable to employ counsel.

You are further notified that if you wish to state your views, you must appear or in your absence the court may order you to comply with any other reasonable orders designed to maintain and improve the familial relationship.

The court having found that a hearing on this matter should be set, **IT IS HEREBY ORDERED:**

1. That the above matter is set for adjudicatory hearing at _____ o'clock _____ m., on the _____ day of _____, 20 _____, before this court at the _____ County Courthouse at _____, in the city of _____, _____ County, Iowa.

2. That _____, an attorney practicing before this court, is appointed to represent the child, _____, in this matter as guardian ad litem.*

3. That the clerk of the juvenile court is directed to send by certified mail a copy of this order with the attached petition to the above-named child, child's counsel and said child's parent, guardian or custodian no less than _____ days prior to the time set out above, said mailing to serve as notice of said hearing.

Dated this _____ day of _____, 20 _____.

Judge

* Delete this paragraph if the child is already represented by counsel.

SOURCE: Iowa Code §232.126, 232.127; 8.33, Form 2.

[Report 1983; November 9, 2001, effective February 15, 2002]

Rule 8.33 — Form 3: Financial Affidavit of Parent and Application for Appointment of Counsel for Child Parent Other.

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,
_____,
_____,
Child(ren).

)
)
)
)
)
)

Juvenile No. _____
Financial Affidavit of Parent and Application
for Appointment of Counsel for
 Child Parent Other: _____

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Case: CINA TPR Del Other: _____ Relationship to Child(ren): Parent Other: _____

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date _____

Signature _____

[Report February 21, 1985, effective July 1, 1985; November 9, 2001, effective February 15, 2002; November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 3A: Order for Appointment of Counsel for Child Parent Other.

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	Juvenile No. _____
_____)	
_____	)	Order for Appointment
_____	)	of Counsel for
Child(ren).)	<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> Other: _____

Now on this _____ day of _____, 20____, the court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. Child/Applicant:

- Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
 - Child/Applicant's income is **at or below 125%** of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; **or**
 - Child/Applicant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; **or**
 - Child/Applicant's Income is **over 200%** of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship.
- Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232.
- Is not eligible for court-appointed counsel.

2. Counsel/Guardian ad litem appointed below to represent Child/Applicant is:

- The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
- An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
 - Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
 - Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
 - Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to serve as counsel/guardian ad litem in this case for _____ at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

* Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

Rule 8.33 — Form 4: Financial Affidavit of 600A Respondent and Application for Appointment of Counsel.

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	Juvenile No. _____
_____)	
_____	)	Financial Affidavit of 600A Respondent and
_____	)	Application for Appointment of Counsel
Child(ren).)	

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Respondent's name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box
Apt #
City
State
Zip

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date _____

Signature _____

[Report November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 4A: Order for Appointment of Counsel for 600A Respondent.

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of	)	Juvenile No. _____
_____	)	Order for Appointment
_____	)	of Counsel for 600A Respondent
_____)	
Child(ren).)	

Now on this _____ day of _____, 20____, the court having received and examined the Financial Affidavit of Respondent and Application for Appointment of Counsel and having conducted an in-court colloquy and having considered not only Respondent’s income, but also the availability of any assets subject to execution and the nature and complexity of the case, finds the following:

1. Respondent:

- Is eligible for court-appointed counsel pursuant to Iowa Code section 600A.6A because each of the following criteria are met:
 - Respondent requested appointment of counsel; **and**
 - Respondent is indigent (at or below 100% of the poverty guidelines and Respondent is unable to pay for the cost of an attorney); **and**
 - Respondent, because of lack of skill or education, would have difficulty in presenting the person’s version of the facts in dispute, particularly where the presentation of the facts requires the examination or cross-examination of witnesses or the presentation of complex documentary evidence; **and**
 - Respondent has a colorable defense to the termination of parental rights, or there are substantial reasons that make termination of parental rights inappropriate.
- Is not eligible for court-appointed counsel.

2. Counsel appointed below to represent Respondent:

- Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
- Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
- Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Respondent’s Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to serve as counsel in this case for Respondent at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

[Report November 8, 2012, effective January 7, 2013]

Rule 8.33 — Form 5: Financial Affidavit of Petitioner Under Iowa Code Chapter 600A.

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of _____,	)	Juvenile No. _____
_____,)	
_____,	)	Financial Affidavit of Petitioner Under Iowa
_____,	)	Code Chapter 600A
Child(ren).)	

Petitioner's name: _____ Birth date: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I promise under penalty of perjury that the statements I make in this affidavit are true and that I am unable to pay for an attorney to represent Respondent in this case. I also understand that I must report any changes in the information submitted on this financial affidavit.

Date _____

Signature _____

[Report November 8, 2012, effective January 7, 2013]

Rule 8.34 Juvenile Procedure Forms — Judicial Waiver of Parental Notification. The following forms are illustrative and not mandatory, but any particular instrument shall substantially comply with the form illustrated.

Rule 8.34 — Form 1: *Petition for Waiver of Parental Notification of Minor’s Abortion.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

A Minor.

**PETITION FOR WAIVER OF
PARENTAL NOTIFICATION OF
MINOR’S ABORTION PURSUANT
TO IOWA CODE SECTION 135L.3**

I, the above-named minor, state:

- 1. I am under 18 years of age.
- 2. I am approximately _____ weeks pregnant and seek an abortion by a licensed physician, without notification of a parent.
- 3. (Check one)
 - ____ a. I am accompanied by a responsible adult (a responsible adult is a person who is 18 or over and who is not associated with the clinic or physician who will perform the abortion).
 - ____ b. I am not accompanied by a responsible adult.
- 4. (Check one)
 - ____ a. I have viewed the video prepared by the Iowa Department of Public Health that explains my options as a pregnant minor, including parenting, adoption, and abortion.
 - ____ b. I have not viewed the video.
- 5. (Check one)
 - ____ a. I understand that I have the right to a court-appointed attorney at no cost to me. Please appoint an attorney to represent me.
 - ____ b. I have an attorney to represent me. The attorney’s name, address, and telephone number is _____.

6. I understand that this proceeding will be kept secret from my parents and the public. The only persons who may attend any hearing on the petition are myself, my attorney, my guardian ad litem (if one is appointed) and those whose presence I, my attorney, or my guardian ad litem specifically request. I request that the following person(s) be notified of and admitted to all hearings in my case:

Name(s) and address(es): _____

7. I understand court personnel will not send any papers to my home or try to call me. I would like to be informed of the court’s decision in the following way: _____

I request the following person(s), in addition to my attorney, be contacted and given papers in my case:

Name(s) and address(es): _____

Petition for Waiver of Parental Notification of Minor's Abortion (*cont'd*)

8. (Check one or both)

- a. I am mature and capable of providing informed consent for the performance of an abortion.
- b. It would not be in my best interests to notify a parent of my abortion for the following reasons:

 _____.

9. I state on oath that (check one)

- a. I am presenting this request to a court for the first time.
- b. I have made this request to a court before and was refused.

10. The name, business address, and business telephone number (if these are known) of the physician who will perform the abortion is _____

 _____.

THEREFORE, I request that the court grant my application to obtain an abortion without notifying a parent.

Signed on this _____ day of _____, 20 _____.

 Petitioner (You may sign a name other than your true name, such as Jane Doe)

NOTICE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at _____. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 2: Declaration of Minor who has Filed Pseudonymous Petition to Waive Parental Notification.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

_____,
A Minor.

**DECLARATION OF MINOR WHO
HAS FILED PSEUDONYMOUS PETITION
TO WAIVE PARENTAL NOTIFICATION
UNDER IOWA CODE CHAPTER 135L**

NOTICE TO THE CLERK OF COURT: A CERTIFIED COPY OF THIS DECLARATION, WITH THE FILE NUMBER NOTED ON IT, SHOULD BE GIVEN TO THE MINOR AFTER SHE SIGNS IT.

THE ORIGINAL SHOULD IMMEDIATELY BE PLACED IN A SEALED ENVELOPE, WHICH SHOULD BE FILED UNDER SEAL AND KEPT UNDER SEAL AT ALL TIMES.

1. My true name is _____, and my address is _____
(print your name)

(print your address)

2. My date of birth is _____.

3. I have filed a petition to waive parental notification, under the name _____
_____ on _____
(date)

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: _____ Signed: _____
(You must sign your true name)

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 3: Order Appointing Counsel for a Minor.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF _____, A Minor.	Juvenile No. _____ ORDER APPOINTING COUNSEL FOR A MINOR UNDER IOWA CODE SECTION 135L.3(3)(b)
--	--

THIS MATTER is before the court upon the minor’s request to waive parental notification of an abortion under Iowa Code chapter 135L. The court finds that counsel should be appointed.

IT IS ORDERED that [*name*] _____,
[*address*] _____, [*telephone number*] _____
is appointed counsel for the minor at public expense.

The clerk shall provide a copy of this order as specified in Iowa R. Juv. P. 8.28.

Dated this _____ day of _____, 20 ____.

JUDGE

JUDICIAL DISTRICT OF IOWA

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 4: Order Appointing a Guardian Ad Litem for a Minor.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

_____,

A Minor.

**ORDER APPOINTING A
GUARDIAN AD LITEM FOR A MINOR
UNDER IOWA CODE SECTION 135L.3(3)(b)**

THIS MATTER is before the court upon the minor's request to waive parental notification of an abortion under Iowa Code chapter 135L. The court finds that a guardian ad litem should be appointed.

IT IS ORDERED that [name] _____,
[address] _____, [telephone number] _____
be appointed as the guardian ad litem for the minor at public expense.

The clerk shall provide a copy of this order as specified in Iowa R. Juv. P. 8.28.

Dated this _____ day of _____, 20 ____.

JUDGE

JUDICIAL DISTRICT OF IOWA

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 5: *Advisory Notice to Minor.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

_____,
A Minor.

ADVISORY NOTICE TO MINOR

YOU ARE NOTIFIED as follows:

All information in your case is confidential. No papers will be sent to your home, and you will not be contacted by this court. Your name will not be on your court papers.

Your lawyer and your guardian ad litem (if one is appointed) will receive notices about your case. You may also name someone else to get notices. That person's name should be on your petition.

YOUR CASE NUMBER APPEARS AT THE TOP OF THIS SHEET. KEEP IT IN A SAFE PLACE. YOU CANNOT GET INFORMATION FROM THE CLERK WITHOUT YOUR CASE NUMBER.

YOU HAVE BEEN GIVEN A COPY OF THE STATEMENT YOU SIGNED WITH YOUR TRUE NAME. KEEP IT IN A SAFE PLACE. YOU MAY NEED TO SHOW IT TO YOUR DOCTOR TO OBTAIN AN ABORTION WITHOUT NOTIFYING A PARENT.

Clerk: Complete information below:

- 1. (a) Your hearing is scheduled for _____,
at the _____ County Courthouse in _____, Iowa.

OR

- (b) You must call the clerk at (____) _____ to obtain the date of the hearing.

- 2. (a) Your lawyer is _____, telephone number _____.

OR

- (b) You must call the clerk at the above number to get the name of your lawyer.

- 3. (a) Your guardian ad litem is _____,
telephone number _____.

OR

- (b) You may call the clerk at the above number to obtain the name of your guardian ad litem.

You may be told of the court's decision immediately after the hearing. If not, you may contact your lawyer or the clerk soon after the hearing to find out if the court has ruled on your petition.

You have a right to a hearing and a decision within 48 hours unless you or your attorney asks for an extension of time. Any extension of time granted for the hearing shall extend the deadline for filing any decision on appeal for a like period of time. If these deadlines are not met you have a right to ask the clerk for a paper that will allow your doctor to perform the abortion without notifying a parent.

If the court does not grant your petition, you will be able to appeal.

Advisory Notice to Minor (*cont'd*)

If the court does not grant your petition and you decide not to appeal, or if your appeal is not granted, you may request that the court appoint a licensed therapist to help you tell your family of your decision and deal with any family problems. The cost of the therapist will be paid for by the court.

I certify that I have given a copy of this advisory notice to the minor.

Clerk of the Court

_____, Iowa _____
_____ County Courthouse

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 6: Order Setting Hearing on Petition for Waiver of Parental Notification of Minor's Abortion.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

_____,
A Minor.

**ORDER SETTING HEARING ON
PETITION FOR WAIVER OF
PARENTAL NOTIFICATION OF
MINOR'S ABORTION**

THIS MATTER came before the court upon the petition of _____ that a hearing be held in this matter. The court finds that such a hearing should be scheduled and proper notice should be given in accordance with Iowa R. Juv. P. 8.28.

IT IS THEREFORE ORDERED that a hearing on the Petition to Waive Parental Notification of a Minor's Abortion be held pursuant to Iowa Code section 135L.3 on the _____ day of _____, 20____, at _____ o'clock _____ m. at the _____ County Courthouse in _____, Iowa.

The clerk shall provide a copy of this order as specified in Iowa R. Juv. P. 8.28.

Dated this _____ day of _____, 20____.

JUDGE

JUDICIAL DISTRICT OF IOWA

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 7: Findings of Fact, Conclusions of Law and Order.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

_____,
A Minor.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

This matter came before the court on _____, 20____, for hearing held pursuant to Iowa Code section 135L.3 on waiver of parental notification of a minor’s abortion. Present for the hearing were the following:

- _____, the minor;
- _____, the minor’s attorney;
- _____, the minor’s guardian ad litem; and
- _____.

The proceeding was reported [tape recorded]. The following exhibits and testimony were received into evidence:

The court now makes the following **FINDINGS OF FACT**:

1. Notice of this hearing and a copy of the petition were served in accordance with Iowa R. Juv. P. 8.28.
2. The petitioner is a pregnant minor, _____ years of age. She is approximately _____ weeks pregnant and seeks an abortion but objects to the notification of a parent.
3. (Check one)
 - ___ a. The petitioner is mature and capable of providing informed consent for the performance of an abortion. This decision is based upon the following facts: _____
_____.

OR

- ___ b. The petitioner is not mature or does not claim to be mature, but notification to the petitioner’s parent is not in the petitioner’s best interest. This decision is based upon the following facts: _____
_____.

OR

- ___ c. The petitioner has not shown she is mature and capable of providing informed consent, nor has she shown that notification to a parent is not in her best interest. This decision is based upon the following facts: _____

_____.

Findings of Fact, Conclusions of Law and Order (cont'd)

CONCLUSIONS OF LAW

- 1. The court has jurisdiction of the petitioner and the subject matter as provided in Iowa Code chapter 135L.
- 2. The burden of proof is on the petitioner by a preponderance of the evidence.
- 3. (Check one)

a. A preponderance of the evidence shows that the petitioner is mature and capable of providing informed consent for the performance of the abortion within the scope and meaning of Iowa Code section 135L.3(3)(e)(1).

OR

b. A preponderance of the evidence shows that the petitioner is not mature or does not claim to be mature, but notification of the abortion to a parent is not in the best interest of the petitioner within the scope and meaning of Iowa Code section 135L.3(3)(e)(2).

OR

c. The evidence does not support a judicial waiver of parental notification.

- 4. The notification requirements as provided in Iowa Code section 135L.3 should [should not] be waived.

IT IS ORDERED, ADJUDGED AND DECREED that the petition for waiver of parental notification is granted [denied].

The clerk shall provide a copy of this order to the petitioner's attorney, guardian ad litem, if any, physician, and the following person(s) designated by the petitioner: _____

_____.

The clerk shall provide notice of this decision to the petitioner as requested in the following manner: _____

_____.

Notice: (Delete if petition is granted). You have the right to appeal this ruling to the Iowa Supreme Court. You must file a notice of appeal with the district court clerk within 24 hours of this ruling. The rules you must follow for the appeal are attached to this order.

Dated this _____ day of _____, 20 ____.

JUDGE
JUDICIAL DISTRICT OF IOWA

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 8: Certification that Waiver of Parental Notification is Deemed Authorized.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

Juvenile No. _____

_____,

**CERTIFICATION THAT WAIVER OF
PARENTAL NOTIFICATION IS
DEEMED AUTHORIZED**

A Minor.

Pursuant to Iowa Code section 135L.3 the clerk certifies that:

1. The minor's petition for waiver of parental notification was filed on _____.

2. ____ (a) A ruling was not made within 48 hours of the filing of said petition,

OR

____ (b) The date for the hearing was extended at the request of the minor to _____,
and a ruling was not made within 48 hours of the extended hearing date.

THEREFORE, pursuant to Iowa Code section 135L.3(3)(1), the petition is deemed granted and the waiver of notification requirements is deemed authorized.

Dated: _____

Clerk of the Court

County Courthouse

_____, Iowa _____

Copies to: (Clerk, *see* Iowa R. Juv. P. 8.31(3))

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

Rule 8.34 — Form 9: *Notice of Appeal.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
(JUVENILE DIVISION)

IN THE INTEREST OF

_____,

A Minor.

Juvenile No. _____

Supreme Court No. _____

NOTICE OF APPEAL

**TO THE CLERK OF THE DISTRICT COURT, _____
COUNTY, AND TO THE CLERK OF THE SUPREME COURT:**

You are notified that _____, the minor, who filed her petition for
waiver of parental notification on _____, hereby appeals the order dated
_____, which denied her petition.

Dated this _____ day of _____, 20 _____.

Attorney for _____

Address: _____

[Court Order June 26, 1997, temporary rules effective July 1, 1997; Court Order June 26, 1997, permanent rules effective September 8, 1997; Report November 9, 2001, effective February 15, 2002]

EMANCIPATION OF MINORS

Rule 8.35 Emancipation orders.

8.35(1) *Separate orders.* The juvenile court shall enter findings of fact and conclusions of law separately from an order granting emancipation of a minor.

8.35(2) *Confidentiality.* The separate findings of fact and conclusions of law shall be confidential. Notwithstanding any other confidentiality statute or rule concerning juvenile court records, orders granting emancipation of a minor under Iowa Code chapter 232C shall be considered public records subject to release by the juvenile court.

[Report June 29, 2009, effective August 28, 2009]

Rule 8.36 Educational requirements for court-appointed attorneys representing parents.

8.36(1) *Three-hour annual minimum.* Court-appointed attorneys representing parents in juvenile court are required to participate annually in a minimum of three hours of continuing legal education relating to juvenile court proceedings. An attorney shall not accept juvenile court appointment representing a parent unless the attorney has fulfilled this three-hour minimum requirement either in the previous calendar year or earlier in the calendar year of the appointment.

8.36(2) *Qualifying courses.*

a. For purposes of this rule, “continuing legal education relating to juvenile court proceedings” means instruction that meets all three of the following criteria:

(1) It relates to the legal, ethical, medical, psychological, or social issues arising in juvenile court proceedings.

(2) It has been approved by the Iowa Children’s Justice Initiative.

(3) It has been accredited by the commission on continuing legal education.

b. The Iowa Children’s Justice Initiative is responsible for publicizing courses that meet the criteria of rule 8.36(2). It is anticipated that these courses will be available throughout the state at little or no cost to the attorney.

8.36(3) *Recordkeeping.* Court-appointed attorneys representing parents in juvenile court proceedings are responsible for maintaining records of their compliance with this rule and reporting required instruction on the annual report required by Iowa Court Rule 41.4. A judge presiding over a juvenile proceeding, or the State Public Defender, may require an attorney to certify compliance with this rule and to provide the attorney’s annual reports and any other records demonstrating compliance with this rule.

8.36(4) *Effective date.* This rule applies to court appointments that occur on or after January 1, 2015. Attorneys appointed to represent parents in juvenile court proceedings on or after January 1, 2015, must have completed three hours of continuing legal education relating to juvenile court proceedings either during calendar year 2014 or during calendar year 2015 prior to their appointment. [Court Order October 16, 2013, effective January 1, 2015]

CHAPTER 17

FORMS FOR SELF-REPRESENTED LITIGANTS

Rule 17:1	Use of forms; mandatory for self-represented litigants
Rules 17:2 to 17:99	Reserved
Rule 17:100	Family law forms
	Forms for dissolution of marriage with no minor or dependent adult children
Form 101:	Petition for Dissolution of Marriage with no Minor or Dependent Adult Children
Form 102:	Petition Cover Sheet for a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 103:	Confidential Information Form
Form 104:	Original Notice for Personal Service
Form 104a:	Original Notice for Personal Service
Form 105:	Acceptance of Service
Form 106:	Directions for Service of Original Notice
Form 107:	Motion and Affidavit to Serve by Publication
Form 108:	Original Notice by Publication
Form 109:	Application and Affidavit to Defer Payment of Costs
Form 110:	Affidavit of Service of Original Notice and Petition for Dissolution of Marriage
Form 111:	Protected Information Disclosure
Form 112 to Form 114:	Reserved
Form 115:	Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children
Form 116:	General Answer to a Petition
Form 117 to Form 121:	Reserved
Form 122:	Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 123:	Response to a Motion
Form 124:	Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 125:	Affidavit of Mailing Notice
Form 126:	Notice of Intent to File Written Application for Default Decree
Form 127:	Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children
Form 128:	Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children
Forms FL-17.129 to 17.300:	Reserved
	Forms for modifying child support
Form FL-17.301:	Application to Modify Child Support Only
Form FL-17.302:	Application Coversheet for a Modification of Child Support Only
Form FL-17.303:	Confidential Information Form
Form FL-17.304:	Original Notice for Personal Service
Form FL-17.305:	Acceptance of Service
Form FL-17.306:	Directions for Service of Original Work
Forms FL-17.307 to 17.308:	Reserved
Form FL-17.309:	Application and Affidavit to Defer Payment of Costs
Forms FL-17.310 to 17.314:	Reserved
Form FL-17.315:	Answer to Application to Modify Child Support Only
Form FL-17.316:	General Answer to Application to Modify Child Support Only
Forms FL-17.317 to 17.321:	Reserved
Form FL-17.322:	Motion
Form FL-17.323:	Response to a Motion

- Form FL-17.324: Child Support Modification Financial Statement
- Form FL-17.325: Affidavit of Mailing Notice
- Form FL-17.326: Notice of Intent to File Written Application for
Default Decree
- Form FL-17.327: Request for Relief in an Application to Modify Child
Support Only
- Form FL-17.328: Settlement Agreement for an Application to Modify
Child Support Only

CHAPTER 17

FORMS FOR SELF-REPRESENTED LITIGANTS

Rule 17:1: Use of forms; mandatory for self-represented litigants. An individual who is not represented by an attorney must use these forms. An attorney may use these forms but is not required to do so. Instructions on how to use the forms can be found at www.iowacourts.gov/Court Rules and Forms/Family Law Forms/ on the judicial branch website.
[Court Order May 16, 2007]

Rules 17:2 to 17:99: Reserved.

Rule 17:100: Family law forms.

Rule 17.100—Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children

Read the [Guide to Representing Yourself in an Iowa Divorce Case](#) on the Iowa Judicial Branch website before using this form.

Do not use this form if any of the following are true:

- You are not married.
- Neither you nor your spouse has lived in Iowa for the last year before filing this Petition.
- Petitioner or Respondent is pregnant.
- There are children 18 years of age or older (born or adopted) who still need support (for example, the child is in high school or college, or is disabled).
- There are children under the age of 18 who are children (born or adopted) of both spouses before or during the marriage, even if Petitioner or Respondent is not the natural parent.

 *If filing electronically, you must provide any protected information in full on form 111.*

 *If filing in paper, you may use form 111 to provide any protected information in full.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where you are filing this Petition

In Re the Marriage of:

Your current legal name

Your spouse's current legal name

Upon the Petition of

Petitioner *Your full name: first, middle, last*

and concerning

Respondent *Your spouse's full name: first, middle, last*

For clerk's use only

Petition for Dissolution of Marriage with no Minor or Dependent Adult Children

1. Personal Information *Fill in all information that you know. If you have been assaulted by your spouse and you fear for your safety, you may leave your street address, phone number, and email blank.*

A. Petitioner's (your) birth year and present residence: _____
Birth year

Petitioner's present street address _____ *City* _____ *State* _____ *ZIP code*

County _____ *Phone number* _____ *Email address*

B. Respondent's (your spouse's) birth year and present residence: _____
Birth year

Respondent's present street address _____ *City* _____ *State* _____ *ZIP code*

County _____ *Phone number* _____ *Email address*

If you need assistance to participate in court due to a disability, contact the disability coordinator at: (_____)_____. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.** Disability coordinator contact information available at: http://www.iowacourts.gov/Administration/Directories/ADA_Access/.

Rule 17.100—Form 101: *Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

2. General Information About the Marriage and the Parties

A. Date and location of the marriage

_____, _____, _____, _____, _____
Month Day Year City State

B. Children

Check all that are true

- (1) There are no children under the age of 18 who are children of both Petitioner and Respondent.
- (2) There are no children under the age of 18 who were adopted or born during this marriage.
- (3) There are no children 18 years of age or older who still need support.
- (4) Neither Petitioner nor Respondent is pregnant.

C. Petitioner's residence

You cannot get a divorce in Iowa if your spouse does not live in Iowa and you have lived in Iowa for less than one year, or if you came to live in Iowa just to get a divorce.

If you have questions about this, talk to an attorney.

- (1) The **only** reason that Petitioner (you are Petitioner) is living in Iowa is just to get a divorce.
- True
- False *If you do not live in Iowa, or if you live in Iowa for reasons other than just to get a divorce, check "False."*
- (2) Petitioner has lived in Iowa for the last _____ years and _____ months in _____ county.
- *If you have always lived in Iowa, count the time since your birth.*
 - *If you have been a resident of another state, count the time since you last moved to Iowa.*

D. Parties' residence

Check each that is true

- (1) Petitioner has lived in Iowa for more than one year.
- (2) Respondent (your spouse) is a resident of Iowa.

E. Condition of the marriage

Check all that are true

- (1) The marriage is broken and cannot be saved.
- (2) This is the only divorce case going on involving this marriage.
If you did not check (2), explain in H. You should also talk to an attorney.
- (3) This Petition is being filed in good faith for the purpose of ending the marriage.
- (4) Counseling will not save the marriage. *If counseling may save the marriage, do not check (4).*

Rule 17.100—Form 101: *Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

F. Respondent's status

Check each that is true

- (1) Respondent (your spouse) is in the military service.
If you check (1), note that there are special rules that may prevent your case from going forward if your spouse is in the military. You should talk to an attorney.
- (2) Respondent is in prison or jail at _____ in _____.
Name of facility State

G. Protective or no contact order

Check one

- (1) There is neither a "protective order" nor a "no contact order" between Petitioner (you) and Respondent (your spouse).
- (2) There is a "protective order" or a "no contact order" between Petitioner and Respondent.
If you check (2), fill in the following information:
- a. County and state where the order came from: _____
County State
- b. Court case number: _____

H. Other information: _____

3. Petitioner's Request

A. Petitioner asks the court to:

Check all that apply. The court will only consider items that are checked.

- (1) End the marriage of Petitioner (you) and Respondent (your spouse).
- (2) Fairly divide the property and the debts of the parties.
- (3) Order that Respondent pay the court fees.
- (4) Order that Respondent pay for Petitioner's attorney's fees before the divorce is final.
If you check (4), you must file form 122.
- (5) Order that Respondent pay spousal support (alimony) to Petitioner.
If you check (5), you must file form 122.
- (6) Change Petitioner's last name to: _____
Name can only be changed to name on birth certificate or name used immediately prior to the marriage.
Print your former or birth name
- (7) Other request: _____

Rule 17.100—Form 101: *Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

4. Attorney Help

Check one

- A. An attorney did not help me prepare or fill in this paper.
- B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____ _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

5. Service Instructions

If Petitioner is filing in paper

Check one

- A. Petitioner will accept service of documents at the attorney's address listed above; or
- B. Petitioner will accept service of documents in this case at the mailing address below.

6. Oath and Signature

I, _____, have read this Petition, and I certify under penalty
Print your name
of perjury and pursuant to the laws of the State of Iowa that the information I have provided
in this Petition is true and correct.

_____, 20_____
Signed on: Month Day Year *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address, if applicable*

** Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Important Notice to Petitioner
See next page for instructions for filing a Petition.

Instructions for Rule 17.100—Form 101: *Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

Do not file these instructions

Instructions for Filing a Petition for Dissolution of Marriage

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, [check the map](#) available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, **you must file electronically unless you get permission from the court to file in paper.** Contact the clerk of court in your county if you are unable to file electronically.

Filing your Petition electronically

- If you are filing your divorce case in a county that uses electronic filing, you must register to electronically file. For help with registration, see the eFiler's User Guide [How to Register Pro Se \(Self Represented\) for eFiling](#).
- After you have registered, [log in to the electronic filing system](#) to electronically file your dissolution case.
- For help electronically filing your divorce, see [How to eFile a New Case](#).
- With your Petition, you must also file an Original Notice (104) and a Protected Information Disclosure Form (111).
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of your Petition and other documents.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My Filings, correct the error, and resubmit your filing. For help, see [How to Resubmit a Returned Filing](#).
- Log in to your eFile account and download and print your Petition and Original Notice so that you can serve it on (deliver it to) your spouse.
- For help finding and downloading your Petition and Original Notice, please see [My Filings Reference Guide](#).

Filing your Petition in paper

- If the county where you will be filing your Petition does not yet accept electronic filing, you may proceed in paper. If the county does accept electronic filing, you must proceed electronically, unless you have received permission from the court to file in paper.
- With your Petition (101), you must also file a Petition Cover Sheet (102), an Original Notice (104a), and a Confidential Information Form (103).
- Forms 101 and 104a: Make **two** photocopies if you can deliver copies of these forms to your spouse in-person or by mail. Make **three** photocopies if you are going to ask the county sheriff or a civil process server to deliver these forms to your spouse.
Note about making photocopies: You should make your photocopies before you go to the courthouse to file your papers. It is expensive to make photocopies at the clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.
- Forms 102 and 103: You do **not** have to make photocopies of these forms.
- Take the original forms you filled in and the photocopies to the clerk of court office in your county. Tell the clerk at the counter you are filing a Petition for a divorce.
- Give the clerk at the counter these forms:

Instructions for Rule 17.100—Form 101: *Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

- 101 Petition for Dissolution of Marriage (Divorce) with no Minor Children
 - 102 Coversheet for a Petition for Dissolution of Marriage with no Minor Children
 - 103 Confidential Information Form (*Do not make copies of this form.*)
 - 104a Original Notice
- Pay the filing fee. If you cannot afford to pay the filing fee, prepare and file form 109.
 - The clerk at the counter can tell you the amount of the filing fee. The Iowa legislature sets these fees and periodically raises them, so check with the clerk's office to confirm the current filing fee.
 - The clerk of court will sign the Original Notice (104a). You will have to serve this form on (deliver it to) your spouse.
 - The clerk at the counter will time-stamp each of the copies (original and photocopies).

Do not file these instructions

Rule 17.100—Form 103: Confidential Information Form

This form is to be used by paper filers only.

Each party must complete one of these forms if filing in paper.

Iowa Code section 602.6111 requires the parties to a case to provide the clerk of court with certain personal identification information. Each party's completed form will be kept confidential by the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*
The spouse who files the Petition for Dissolution of Marriage

and concerning

Respondent *Full name: first, middle, last*
The other spouse

Equity case no. _____

Confidential Information Form

1. Petitioner's information

Full name: First, Middle, Last ____/____/____
Birth date ____-____-____
Social Security number

2. Respondent's Information

Full name: First, Middle, Last ____/____/____
Birth date ____-____-____
Social Security number

3. Signature of Provider of Information

Information provided by: _____
Print your full name: first, middle, last

_____, 20____
Your signature ____
Month ____
Day ____
Year

Important Notice:
Do not give copies of this form to anyone except the clerk of court.

Rule 17.100—Form 104: *Original Notice for Personal Service*

Petitioner must serve the Petition on Respondent within 90 days after filing the Petition. Failure to meet this deadline may result in the court dismissing the divorce case.

Read the [Guide to Representing Yourself in an Iowa Divorce Case](#) on the Iowa Judicial Branch website for additional important instructions.

 *If filing electronically, Petitioner must complete this form.*

 *If filing in paper, Petitioner must use form 104a.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where Petition is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Original Notice for Personal Service

To Respondent Named Above

- Petitioner (your spouse) has filed a divorce lawsuit naming you as Respondent.
- A copy of the Petition for Dissolution of Marriage is attached to this Notice.
- Petitioner asks for a divorce.

Petitioner's contact information during the divorce case: _____
Petitioner's name

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address*

Important instructions for Respondent on next page

If you need assistance to participate in court due to a disability, contact the disability coordinator at: (_____) _____. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.** Disability coordinator contact information available at: http://www.iowacourts.gov/Administration/Directories/ADA_Access/.

Rule 17.100—Form 104: *Original Notice for Personal Service*, continued

Instructions to Respondent

- A. You **must** file an Answer or a Motion with the clerk of court in the above county within **20 days** after you receive this Original Notice. If you do not file an Answer or Motion within **20 days** after receiving this Original Notice, the **court may enter a judgment against you** giving Petitioner what he or she asked for in the Petition.
- B. For help in your divorce case, and for forms that you must use if you choose to represent yourself without an attorney, visit the Iowa Judicial Branch website at <http://www.iowacourts.gov/> and click on “Court Rules & Forms” or on “For the Public.”
- C. If you received Petition form **101**, you may use Answer form **115**.
- D. This case has been filed in a county that uses electronic filing. You must register to eFile through the Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for filing and viewing documents in your case and for receiving service and notices from the court.
- For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial Branch website.
 - For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules Chapter 16.
 - If you are unable to proceed electronically, you must receive permission from the court to file in paper. Contact the clerk of court in the county where the petition was filed for more information on being excused from electronic filing.
- E. If you electronically file your Answer or Motion, it will be served automatically on Petitioner or on Petitioner’s attorney(s). A Notice of Electronic Filing (NEF) will tell you if the court has excused Petitioner from electronic filing. If the court has excused Petitioner from electronic filing, you must mail a copy of your Answer or Motion to Petitioner.

Important Notice to Respondent

You should talk to an attorney at once to protect your interests.

Rule 17.100—Form 104a: Original Notice for Personal Service

Read the [Guide to Representing Yourself in an Iowa Divorce Case](#) on the Iowa Judicial Branch website for additional important instructions.

-  *If filing electronically, Petitioner must use form 104.*
-  *If filing in paper, Petitioner must use this form.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where Petition is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

Original Notice for Personal Service

1. To Respondent Named Above

- Petitioner (your spouse) has filed a divorce lawsuit naming you as Respondent.
- A copy of the Petition for Dissolution of Marriage is attached to this Notice.
- Petitioner asks for a divorce.

Petitioner's contact information during the divorce case: _____
Petitioner's name

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address*

2. Instructions to Respondent Named Above

- You **must** file an Answer or a Motion with the clerk of court in the above county within **20 days** after you receive this Original Notice. If you do not file an Answer or Motion within **20 days** after receiving this Original Notice, the **court may enter a judgment against you** giving Petitioner what he or she asked for in the Petition.
- If you received Petition form **101**, you may use Answer form **115**.
- After you file your Answer or Motion, you must serve a copy of it on Petitioner.

(SEAL)

Clerk of Court

Important Notice to Respondent

You should talk to an attorney at once to protect your interests.

_____ County Courthouse

_____, Iowa _____
City *ZIP code*

If you need assistance to participate in court due to a disability, contact the disability coordinator at: (_____) _____. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.** Disability coordinator contact information available at: http://www.iowacourts.gov/Administration/Directories/ADA_Access/.

[Court Order November 6, 2013]

Rule 17.100—Form 105: *Acceptance of Service*

Petitioner must complete this section:

In the Iowa District Court for _____ County <i>County where Petition is filed</i>	
Upon the Petition of Petitioner <i>Full name: first, middle, last</i> and concerning Respondent <i>Full name: first, middle, last</i>	Equity case no. _____ <p style="text-align: center;">Acceptance of Service</p>

Petitioner must file this form with the clerk of court soon after Respondent signs it.

Respondent must complete this section:

<p>Respondent's Acceptance of Service, Oath, and Signature</p> <p><i>If Respondent completes this Acceptance of Service, Respondent must return this form to Petitioner soon after signing it. Petitioner will file it with the clerk of court.</i></p> <p>I, _____, am Respondent in this case. I received a copy <i>Print your name</i></p> <p>of the Original Notice and the Petition for this case. I have read this Acceptance of Service. I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Acceptance of Service is true and correct.</p> <p>_____, 20____ <i>Signed: Month Day Year Respondent's signature</i></p> <p>_____ <i>Respondent's mailing address City State ZIP code</i></p> <p>(_____) _____ <i>Phone number Email address</i></p>			
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Important Notice to Respondent

By signing this form, you are not agreeing to what Petitioner wants.
 You are only agreeing that you received a copy of the Original Notice and Petition.

[Court Order May 16, 2007; November 6, 2013]

Rule 17.100—Form 106: *Directions for Service of Original Notice*

Petitioner must complete this form if the sheriff or a process server will deliver the Petition and Original Notice to Respondent.

Do not use this form if Respondent has already received the Petition and Original Notice.

Do not file this form with the clerk of court in paper or electronically.

Give this form to the sheriff or other process server with your Petition (101) and Original Notice (104 if electronically filing or 104a if filing in paper).

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

_____ County where Petition is filed

_____ Equity case number

1. Name and Location of Sheriff or Other Process Server

Check one and fill in the blanks

A. **Sheriff** *In county where Respondent will be served*

_____ County

_____ Street address

_____ City

_____ State

_____ ZIP code

B. **Other process server**

_____ Name of other person serving the Notice

_____ Street address

_____ City

_____ State

_____ ZIP code

2. Person to be Served

_____ Your spouse's name

(_____) _____ Phone number

_____ Address where your spouse can be served

_____ City

_____ State

_____ ZIP code

3. Person Requesting Service

_____ Your name

(_____) _____ Phone number

_____ Your present mailing address

_____ City

_____ State

_____ ZIP code

4. Special Instructions for Service *Provide information that will help the sheriff or process server.*

Continued on next page

Rule 17.100—Form 106: *Directions for Service of Original Notice*, continued

5. Costs of Service

Check one

A. Petitioner will pay the costs of the Sheriff or other process server.
If you cannot afford the costs, file form 109.

B. Costs for Sheriff deferred by court order: _____
Clerk of court: Sign only if costs deferred by court order

6. Notification

After completion of service, the sheriff or other process server will notify the person requesting service.

_____, 20____
Date signed: Month Day Year Your signature

[Court Order May 16, 2007; November 6, 2013]

Rule 17.100—Form 107: Motion and Affidavit to Serve by Publication

Petitioner: Use this form only if you do not know where your spouse lives or works.

- You must contact a newspaper that is generally distributed or circulated throughout the county where you filed the Petition.
- Ask if the newspaper will publish your Original Notice by Publication (108) in your divorce case.
- Tell the newspaper you need to publish the Notice once each week for three weeks in a row.
- If the newspaper can publish your Notice three weeks in a row, ask how much it will cost.
- Tell the newspaper you will call back to arrange for publishing your Notice after a judge gives you permission to publish your Notice in the newspaper.
- The fees for publication are set by statute in Iowa Code section 618.11.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where you filed the Petition

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

**Motion and Affidavit to
Serve by Publication**

1. Information and Requests

A. Respondent's residence

Check each that applies

- (1) Respondent lives outside of Iowa.
- (2) Respondent's residence and place of employment are unknown.

B. Respondent's last known residence:

Street address *City* *State* *ZIP code*

County *Phone number* *Email address*

C. Most recent date Respondent is known to have been at the address above:

_____, 20____
Month *Day* *Year*

Rule 17.100—Form 107: *Motion and Affidavit to Serve by Publication*, continued

D. Petitioner has taken these steps to find Respondent: _____

E. Petitioner will publish notice in this newspaper: _____
Name of newspaper

F. Petitioner asks the court to allow Petitioner to serve Respondent by publication because Respondent cannot be personally served.

Continued on next page

Rule 17.100—Form 107: *Motion and Affidavit to Serve by Publication*, continued**2. Attorney Help***Check one*

- A. An attorney did not help me prepare or fill in this paper.
 B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

3. Oath and Signature

I, _____, have read this Motion and Affidavit, and I certify
Print your name

under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Motion and Affidavit is true and correct.

_____, 20_____
Signed on: Month Day Year *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address, if applicable*

* *Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 108: Original Notice by Publication

Petitioner should complete this form only if a judge has signed an order giving permission to publish this Notice in a newspaper.

After you take this Notice to the newspaper, promptly mail a copy of this Notice and the Petition to Respondent's last known mailing address.

Note to Petitioner: *Fill in third date of publication in section 2 below.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

Newspaper: Publish only the information below this line.

In the Iowa District Court for _____ County

County where Petition is filed

Upon the Petition of

Equity case no. _____

Petitioner *Full name: first, middle, last*

Original Notice by Publication

and concerning

Respondent *Full name: first, middle, last*

1. Information for Respondent Named Above

- Petitioner (your spouse) has filed a divorce lawsuit naming you as Respondent.
- Petitioner's contact information during the divorce case:

Petitioner's first name

Middle name

Last name

Petitioner's present street address

City

State

ZIP code

County

(_____) _____
Phone number

Email address

2. Respondent's deadline for filing a Response

You must file an Answer or a Motion with the clerk of court in the above county within **20 days** after

_____, 20____.
Month Day Year

3. Instructions to Respondent Named Above

You must file an Answer or a Motion with the clerk of court in the above county within 20 days after the date provided above. If you do not respond, the court may enter a judgment against you giving Petitioner what he or she asked for in the Petition.

Important Notice to Respondent

- You should talk to an attorney at once to protect your interests.
- If you choose not to have an attorney represent you in this matter, go to the Iowa Judicial Branch website for [self-represented litigant information](#) and [family law forms](#).

If you need assistance to participate in court due to a disability, contact the disability coordinator at: (_____) _____. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.** Disability coordinator contact information available at: http://www.iowacourts.gov/Administration/Directories/ADA_Access/.

Rule 17.100—Form 108: *Original Notice by Publication*, continued

Newspaper: only publish the instructions below if your county uses electronic filing. To determine if your county uses electronic filing, check the map available on the Iowa Judicial Branch website under “eFiling,” or call the clerk of court office in your county.

- You must register to eFile through the Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile/> and obtain a log in and password to file and view documents in your case and to receive service and notices from the court.
- For general rules and information on electronic filing, refer to the Iowa Court Rules Chapter 16 Pertaining to the Use of the Electronic Document Management System, available on the Iowa Judicial Branch website.
- For court rules on the Protection of Personal Privacy in court filings, refer to Division VI of the Iowa Court Rules, Chapter 16.

Rule 17.100—Form 109: Application and Affidavit to Defer Payment of Costs

Petitioner uses this form only if Petitioner cannot afford to pay the fees to file and serve the Petition.

- Use this form if it would cause you to suffer a hardship if you had to pay the filing fee and cost of serving papers.
- You may need to provide proof of your income and assets and your expenses.
- Costs and fees paid to someone other than the court or sheriff **cannot be waived**. For example, you may have to pay to publish a legal notice in the newspaper or to hire an expert to testify.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

**Application and Affidavit to
Defer Payment of Costs**

1. Request

A. I am Petitioner.

B. For my Application and Affidavit, I state that:

Check all that apply

- (1) I am unable to pay the filing fee or service costs or other court costs.
- (2) I ask the court for permission to proceed without prepayment of costs and fees.
- (3) I am filing this Application and Affidavit in good faith.
- (4) I believe I am entitled to what I am asking for in this case.

C. Household

There are _____ people living in my household.
Number

D. My household income is \$ _____ per month.

Put the total amount of all income and benefits before deductions for all members of your household.

E. My income comes from:

List the sources of your income. Examples: salary, wages, or benefits such as unemployment, Title 19, FIP.

Rule 17.100—Form 109: *Application and Affidavit to Defer Payment of Costs*, continued

F. My household has the following monthly expenses:

- (1) Rent or mortgage \$ _____
- (2) Utilities \$ _____
- (3) Phone \$ _____
- (4) Food \$ _____
- (5) Transportation \$ _____

G. I have \$ _____ in cash, checking, and savings.

Continued on next page

Rule 17.100—Form 109: *Application and Affidavit to Defer Payment of Costs*, continued**2. Attorney Help***Check one*

- A. An attorney did not help me prepare or fill in this paper.
 B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____ _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

3. Certification of Service by Mailing or Delivery*Section 3 to be completed only if filing in paper or if the other party is exempt from electronic filing.**This document, if filed electronically, will automatically be served on registered parties.*

I, _____, certify that on _____, 20____
Print your name *Month* *Day* *Year*

I mailed or gave a copy of this Application and Affidavit to the other party or the other party's attorney at this address:

Name of person to whom I delivered or mailed it

Party's or attorney's mailing address *City* *State* *ZIP code*

4. Oath and Signature

I, _____, have read this Application and Affidavit, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Application and Affidavit is true and correct.

_____, 20____
Signed on: Month *Day* *Year* *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____ _____
Phone number *Email address* *Additional email address – if available*

* *Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 110: Affidavit of Service of Original Notice and Petition for Dissolution of Marriage

This form is used only if someone other than Petitioner (you), a sheriff, or a process server delivered a copy of the Petition and Original Notice to Respondent (your spouse).

- The person, other than Petitioner, who gave the Petition and Original Notice to Respondent, fills in this form.
- Petitioner, or the person who gave the Petition and Original Notice to Respondent, must file this form with the clerk of court.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where Petition is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

Affidavit of Service of Original Notice and Petition for Dissolution of Marriage

1. Affidavit

I, _____, delivered a copy of the Original Notice and
Name of person – Cannot be Petitioner, sheriff, or process server
Petition for Dissolution of Marriage for this case to:

_____ on _____, 20____ at _____
Name of Respondent Month Day Year Time

Check one
 a.m.
 p.m.

by handing Respondent copies of the attached papers.

2. Oath and Signature

To be completed by the person who gave the Petition and Original Notice to Respondent.

I, _____, have read this Affidavit of Service, and I certify
Print your name

under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Affidavit of Service is true and correct.

_____, 20____
*Signed on: Month Day Year Your signature**

Mailing address City State ZIP code

(_____) _____
Phone number Email address Additional email address – if available

* *If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 111: *Protected Information Disclosure*

It is the responsibility of counsel, if any, and the parties to ensure that protected information is omitted or redacted from documents or exhibits filed with the court. The clerk of court will not review filings to determine whether the required omissions or redactions have been made. For electronic filers, see division VI of Chapter 16 of the Iowa Court Rules. For paper filers, see Iowa Rule of Civil Procedure 1.422.

Use this form to identify the full version of any protected information redacted in other documents you have filed.

 **If filing electronically:**

- **Petitioner** must complete this form (111) and file it with the Petition (101) and Original Notice (104).
- **Respondent** must complete this form if adding or correcting protected information.

 **Paper filers** also may use form 111 to assist in complying with Iowa Rule of Civil Procedure 1.422.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where the case is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

Protected Information Disclosure

For electronic filers:

When protected information, as defined in Iowa Court Rule 16.602, is required by law to be included or is material to the case and must be included in non-confidential documents, a party shall include the protected information on this form.

For an explanation of a filer’s responsibility and the procedures to use for protecting personal information, refer to Iowa Court Rules: Chapter 16, Rules Pertaining to the Use of the Electronic Document Management System, Division VI, Protection of Personal Privacy. Rule 16.602 provides the list of protected information. Rule 16.604 provides a list of information that may be redacted.

1. Petitioner *The spouse who filed for divorce.*

Provide the complete version of protected information and the redacted version included in documents you file.

A. Name _____
First Middle Last

Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
(1) Social security number	- - XXX-XX-XXXX	Last four digits only
(2) Financial account numbers	Full account number	Partial account number only
(3) Date of birth	/ / mm/dd/yyyy	Year only
(4) Individual taxpayer identification numbers	- - XXX-XX-XXXX	Last four digits only

Rule 17.100—Form 111: *Protected Information Disclosure*, continued

(5) Personal identification numbers	Full number	Partial only
(6) Other unique identifying numbers	Full number	Partial only
(7) Additional protected information	Full information	Partial information
(8) Additional protected information	Full information	Partial information
(9) Additional protected information	Full information	Partial information
(10) Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Petitioner.

2. Respondent *The spouse who did not file for divorce.*

Provide the complete version of protected information and the redacted version included in documents you file.

A. Name _____
First Middle Last

Protected Information Type	Complete Information (See Rules 16.602 and 16.604)	Redacted Information (See Rule 16.605)
(1) Social security number	- - XXX-XX-XXXX	Last four digits only
(2) Financial account numbers	Full account number	Partial account number only
(3) Date of birth	/ / mm/dd/yyyy	Year only
(4) Individual taxpayer identification numbers	- - XXX-XX-XXXX	Last four digits only
(5) Personal identification numbers	Full number	Partial only
(6) Other unique identifying numbers	Full number	Partial only
(7) Additional protected information	Full information	Partial information
(8) Additional protected information	Full information	Partial information
(9) Additional protected information	Full information	Partial information
(10) Additional protected information	Full information	Partial information

Check this box if you are attaching a separate sheet listing additional information for Respondent.

Rule 17.100—Form 111: *Protected Information Disclosure*, continued

3. Information provided by:

	/s/	
<i>Handwritten signature of party completing this form or attorney if filing in paper</i>		<i>Electronic signature of party completing this form or attorney if filing electronically</i>

Law firm, if applicable

<i>Mailing address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>

(_____) _____
Phone number

<i>Email address</i>	<i>Additional email address, if applicable</i>

<i>Month</i>	<i>Day</i>	<i>Year</i>			
<i>Date information provided</i>					

Rule 17.100—Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children

Respondent must file an Answer within **20 days** after receiving the Petition and Original Notice, or the **court may enter a judgment against Respondent** giving Petitioner what he or she asked for in the Petition.

Use this Answer form 115 if you received Petition form 101, otherwise use form 116.

Read the [Guide to Representing Yourself in an Iowa Divorce Case](#) on the Iowa Judicial Branch website before using this form.

 *If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111).*

 *If filing in paper, you may use form 111.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your spouse filed the Petition

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Your spouse's full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Your full name: first, middle, last</i></p>	<p>Equity case no. _____</p> <p>Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children</p>
---	---

1. Personal Information *Fill in all information that you know.*

A. Petitioner's information

Check one

If paragraph 1A of the Petition (form 101) is not correct, check (2) and fill in the blanks.

(1) Petitioner's (your spouse's) birth year and present residence are correct in the Petition.

(2) Petitioner's birth year and present residence are not correct in the Petition.

The correct information is: _____
Birth year

_____ *Present street address* _____ *City* _____ *State* _____ *ZIP code*

_____ *County* (_____) _____ *Phone number* _____ *Email address*

B. Respondent's information

Check one

If paragraph 1B of the Petition (form 101) is not correct, check (2) and fill in the blanks.

(1) Respondent's (your) birth year and present residence are correct in the Petition.

(2) Respondent's birth year and present residence are not correct in the Petition.

The correct information is: _____
Birth year

Rule 17.100—Form 115: *Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

Present street address *City* *State* *ZIP code*

County (_____) *Phone number* *Email address*

2. General Information About the Marriage and the Parties

A. Date and location of the marriage

Check one

If paragraph 2A of the Petition (form 101) is not correct, check (2) and fill in the blanks.

- (1) The date and location of the marriage are correct in the Petition.
- (2) The date and location of the marriage are not correct in the Petition.

The correct information is:

_____, _____
Month *Day* *Year* *City* *State*

B. Children

Check all that are true

If you do not check one or more of these boxes, explain in 2I.

- (1) There are no children under the age of 18 who are children of both Petitioner and Respondent.
- (2) There are no children under the age of 18 who were adopted or born during this marriage.
- (3) There are no children 18 years of age or older who still need support.
- (4) Neither Petitioner nor Respondent is pregnant.

C. Petitioner's residence

- (1) The **only** reason that Petitioner (your spouse) is living in Iowa is just to get a divorce.

- True
- False *If you do not live in Iowa, or if you live in Iowa for reasons other than just to get a divorce, check "False."*

- (2) *If you disagree with paragraph 2C(2) of the Petition (form 101), fill in the blanks.*

Petitioner has lived in Iowa for the last _____ years and _____ months
 In _____ county.

Continued on next page

Rule 17.100—Form 115: *Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

3. Respondent's Request

A. Respondent asks the court to:

Check all that apply. The court will only consider items that are checked.

If you do not know what you want, talk to an attorney.

- (1) End the marriage of Respondent (you) and Petitioner (your spouse).
- (2) Fairly divide the property and the debts of the parties.
- (3) Order that Petitioner pay the court fees.
- (4) Order that Petitioner pay for Respondent's attorney's fees before the divorce is final
If you check (4), you must file form 122.
- (5) Order that Petitioner pay spousal support (alimony) to Respondent.
If you check (5), you must file form 122.
- (6) Change Respondent's last name to: *Name can only be changed to name on birth certificate or name used immediately prior to the marriage.*

Print your former or birth name

B. Other request: _____

Continued on next page

Rule 17.100—Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children, continued

4. Attorney Help

Check one

- A. An attorney did not help me prepare or fill in this paper.
- B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

5. Service Instructions

If Respondent is filing in paper

Check one

- A. Respondent will accept service of documents at the attorney's address listed above; or
- B. Respondent will accept service of documents in this case at the mailing address below.

6. Certification of Service by Mailing or Delivery

Section 6 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically, will automatically be served on registered parties.

I, _____, certify that on _____, 20____
Print your name *Month* *Day* *Year*

I mailed or gave a copy of this Answer to the other party or the other party's attorney at this address:

Name of person to whom I delivered or mailed it

Party's or attorney's mailing address *City* *State* *ZIP code*

7. Oath and Signature

I, _____, have read this Answer, and I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Answer is true and correct.

_____, 20____
Signed on: Month *Day* *Year* *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address – if available*

* Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically

Important Instructions for filing this form on next page.

Instructions for Rule 17.100—Form 115: *Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

Do not file these instructions

Instructions for Filing an Answer to a Petition for Dissolution of Marriage

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, [check the map](#) available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, **you must file electronically** unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

Filing your Answer electronically

- If your divorce case was filed in a county that uses electronic filing, you must register to electronically file. For help with registration, see the eFiler's User Guide [How to Register Pro Se \(Self Represented\) for eFiling](#) on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you when you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer. The login page can be accessed from two different paths: you may [directly log in to EDMS](#); or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see [How to eFile to an Existing Case](#).
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My Filings, correct the error, and resubmit your Answer. For help, see [How to Resubmit a Returned Filing](#).
- The NEF will indicate if your spouse is exempt from electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on your spouse if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where the Petition was filed. The county is listed at the top of the Petition (form 101).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on your spouse (Petitioner).
- You can hand one of the copies of the Answer form to your spouse, **or** mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, you should serve the Answer by mailing a copy to the attorney at the attorney's address on the Petition if box 5B on the Petition is checked.

Do not file these instructions

Rule 17.100—Form 116: *General Answer to a Petition*, continued

D. Protective or no contact orders

Check one

- (1) There is neither a “protective order” nor a “no contact order” between Respondent (you) and Petitioner (your spouse).
- (2) There is a “protective order” or “no contact order” between Respondent and Petitioner.

If you check (2), fill in the following information:

a. County and state where the order came from: _____
County State

b. Court case number: _____

E. Respondent denies anything in the Petition that is not admitted in this Answer.

F. Other information: _____

2. Respondent’s Request *If you do not know what you want, talk to an attorney.*

Respondent asks the court to: *Write here what you would like the court to do. For example, tell the court if you want a divorce. Be brief. Do not write long descriptions.*

Continued on next page

Rule 17.100—Form 116: *General Answer to a Petition*, continued

3. Attorney Help

Check one

- A. An attorney did not help me prepare or fill in this paper.
- B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

<i>Name of attorney or organization, if any</i>	<i>Attorney's P.I.N. # – Ask the attorney</i>		
<i>Business address of attorney or organization</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>
()	()		
<i>Attorney's phone number</i>	<i>Attorney's fax number – optional</i>	<i>Attorney's email address – optional</i>	

4. Service Instructions

If Respondent is filing in paper

Check one

- A. Respondent will accept service of documents at the attorney's address listed above; or
- B. Respondent will accept service of documents in this case at the mailing address below.

5. Certification of Service by Mailing or Delivery

Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing. This document, if filed electronically, will automatically be served on registered parties.

I, _____, certify that on _____, 20____
Print your name *Month* *Day* *Year*

I mailed or gave a copy of this Answer to the other party or the other party's attorney at this address:

Name of person to whom I delivered or mailed it

<i>Party's or attorney's mailing address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>

6. Oath and Signature

I, _____, have read this Answer, and I certify under penalty
Print your name
of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Answer is true and correct.

_____, 20____
Signed on: Month Day Year *Your signature**

Mailing address *City* *State* *ZIP code*

() _____
Phone number *Email address* *Additional email address, if applicable*

** Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically*

Important Instructions for filing this form on next page.

Instructions for Rule 17.100—Form 116: *General Answer to a Petition*, continued

Do not file these instructions

Instructions for Filing an Answer to a Petition for Dissolution of Marriage

The Iowa Judicial Branch is converting the court system to electronic filing county by county. The electronic filing system is also known as EDMS. To determine if this case is in a county using electronic filing, [check the map](#) available on the Iowa Judicial Branch website under eFiling, or call the clerk of court office in your county. If your county accepts electronic filing, **you must file electronically unless you get permission from the court to file in paper.** Contact the clerk of court in your county if you are unable to file electronically.

Filing your Answer electronically

- If your divorce case was filed in a county that uses electronic filing, you must register to electronically file. For help with registration, see the eFiler's User Guide [How to Register Pro Se \(Self-Represented\) for eFiling](#) on the Iowa Judicial Branch website.
- Scan the signed Answer form and save it as a .pdf. (Save it in a place that will be accessible to you when you electronically file.)
- Log in to EDMS on the Iowa Judicial Branch website and file your Answer. The login page can be accessed from two different paths: you may [directly log in to EDMS](#); or from the judicial branch website menu, you may select "eFiling > eFile (EDMS) Login."
- For help, see [How to eFile to an Existing Case](#).
- You will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the eFiling of your Answer and other documents. You can then open the Answer and print a copy for your records.
- If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My Filings, correct the error, and resubmit your Answer. For help, see [How to Resubmit a Returned Filing](#).
- The NEF will indicate if your spouse is exempt from electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on your spouse if he or she does not have an attorney.

Filing your Answer in paper

- Make two photocopies of the original.
- Take your original Answer form and the photocopies to the clerk of court's office in the county where the Petition was filed. The county is listed at the top of the Petition (form 101).
- The clerk will time-stamp your forms and copies.
- The clerk will take the original and give the copies back to you.
- Keep one of the copies for your records.
- Serve one of the copies of your Answer on your spouse (Petitioner).
- You can hand one of the copies of the Answer form to your spouse, **or** mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, you may serve the Petition by mailing a copy to the attorney at the attorney's address on the Petition if box 5B on the Petition is checked.

Do not file these instructions

Rule 17.100—Form 122: *Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children*

Use this form if you want to ask the court to do something after your court case has already started.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Full name: first, middle, last</i></p>	<p>Equity case no. _____</p> <p>Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children</p>
--	--

I am

Check one

- A. Petitioner
 B. Respondent

1. Request

A. I ask the court to

Check all that apply. If you check any box in A, you must tell the court why you are making this request in B.

- (1) Change the hearing date that has been set for _____, 20____.
Month Day Year
- (2) Order counseling (conciliation).
- (3) Set a hearing date for a divorce Decree by default.
- (4) Award me attorney's fees before the divorce is final.
- (5) Award spousal support (alimony) to me before the divorce is final.
- (6) Shorten the 90-day waiting period for getting a divorce Decree.
- (7) Other request *Explain*

B. I am making the request(s) in this Motion because: _____

Continued on next page

Rule 17.100—Form 122: *Motion in a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

2. Attorney Help

Check one

- A. An attorney did not help me prepare or fill in this paper.
- B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

3. Certification of Service by Mailing or Delivery

Section 3 to be completed only if filing in paper or if the other party is exempt from electronic filing.

This document, if filed electronically, will automatically be served on registered parties.

I, _____, certify that on _____, 20____
Print your name *Month* *Day* *Year*

I mailed or gave a copy of this Motion to the other party or the other party's attorney at this address:

Name of person to whom I delivered or mailed it

Party's or attorney's mailing address *City* *State* *ZIP code*

4. Oath and Signature

I, _____, have read this Motion, and I certify under penalty of
Print your name

perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Motion is true and correct.

_____, 20____
Signed on: Month *Day* *Year* *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address – if available*

* *Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 123: *Response to a Motion*

Use this form if your spouse has filed a Motion (most likely form 122) and you disagree with what your spouse is asking the court to do in that Motion.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County

County where your case is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

Response to a Motion

I am

Check one

- A. Petitioner
 B. Respondent

1. Motion

The other party filed a Motion on _____, 20____.
Month Day Year

2. Response

Check A or B.

- A. I agree with the Motion.
 B. I disagree with the request(s) in the Motion to:

If you check B, check all of the following that apply. If you check any box in B, you must tell the court why you disagree with the request in C.

- (1) Change the hearing date that has been set for _____, 20____.
Month Day Year
- (2) Order counseling (conciliation).
- (3) Set a hearing date for a divorce Decree by default.
- (4) Award my spouse attorney's fees before the divorce is final.
- (5) Award spousal support (alimony) to my spouse before the divorce is final.
- (6) Shorten the 90-day waiting period for getting a divorce Decree.
- (7) Other request. *Explain* _____

Rule 17.100—Form 123: *Response to a Motion*, continued

C. I disagree with the Motion because: _____

Continued on next page

Rule 17.100—Form 123: *Response to a Motion*, continued**3. Attorney Help***Check one*A. An attorney did not help me prepare or fill in this paper.B. An attorney helped me prepare or fill in this paper.*If you check B, you must fill in the following information:*_____
*Name of attorney or organization, if any Attorney's P.I.N. # – Ask the attorney*_____
Business address of attorney or organization City State ZIP code(_____) _____
*Attorney's phone number Attorney's fax number – optional Attorney's email address – optional***4. Certification of Service by Mailing or Delivery***Section 4 to be completed only if filing in paper or if the other party is exempt from electronic filing.**This document, if filed electronically, will automatically be served on registered parties.*I, _____, certify that on _____, 20_____
Print your name Month Day Year

I mailed or gave a copy of this Response to the other party or the other party's attorney at this address:

*Name of person to whom I delivered or mailed it*_____
*Party's or attorney's mailing address City State ZIP code***5. Oath and Signature**I, _____, have read this Response, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that I have read this Response and that the information I have provided in it is true and correct.

_____, 20_____
*Signed on: Month Day Year Your signature**_____
Mailing address City State ZIP code(_____) _____
*Phone number Email address Additional email address – if available*** Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*

Caution: This form may require you to provide protected or sensitive information.

Each party must complete one of these forms.

- If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111) if you have not already done so.*
- If filing in paper, you may use form 111 to provide any protected information in full if you have not already done so.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Full name: first, middle, last</i></p>	<p>Equity case no. _____</p> <p>Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children</p>
--	--

I am

Check one

- A. Petitioner
- B. Respondent

I, _____, state that this is a true and complete statement
Print your name
of my assets, debts, and present income as of the ____ day of _____, 20__.
Day *Month* *Year*

1. Assets *Things you and your spouse own.*

A. Real estate

Attach additional sheets if necessary.

**Owner (Whose name is on the deed?): P = Petitioner R = Respondent J = Joint (Both)*

Type of real estate	Owner* <i>P,R,J</i>	Market value <i>What it would sell for</i>	Debt <i>Total amount you still owe on it and to whom owed</i>	Net value <i>Market value minus debt owed</i>
(1) Homestead <i>Address</i>		\$	\$ to:	\$
(2) Other real estate <i>Address</i>		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other assets.

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

B. Vehicles

Includes cars, trucks, motorcycles, and other motorized vehicles.

**Owner (Whose name is on the car or vehicle title?): P = Petitioner R = Respondent J = Joint (Both)*

Vehicles <i>Make (e.g. Ford)</i> <i>Year</i>	Owner* <i>P,R,J</i>	Market value <i>What it would sell for</i>	Debt <i>Total amount you still owe on it and to whom owed</i>	Net Value <i>Market value minus debt owed</i>
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other vehicles.

C. Securities, stocks, & bonds

**Owner (Whose name is on the securities, stocks, or bonds?):*

P = Petitioner R = Respondent J = Joint (Both)

Securities, stocks, & bonds <i>Company name</i>	Owner* <i>P,R,J</i>	Market value <i>What it would sell for</i>	Debt <i>Total amount you still owe on it and to whom owed</i>	Net value <i>Market value minus debt owed</i>
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other securities, stocks, & bonds.

D. Life insurance

**Owner (Whose name is on the policy?): P = Petitioner R = Respondent J = Joint (Both)*

Life insurance <i>Company name</i>	Owner* <i>P,R,J</i>	Cash value <i>Not death benefit</i>	Loan from cash value <i>Total amount still owed on loan</i>	Cash value <i>Minus loan owed</i>
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

Check this box if you have attached a sheet with additional information on life insurance.

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued**E. Bank accounts****Owner (Whose name is on the checking or savings account?):**P = Petitioner R = Respondent J = Joint (Both)*

Checking & savings accounts <i>Bank or Credit Union name If you do not use bank accounts, write "Cash"</i>	Owner* <i>P,R,J</i>	Cash value	Personal loans or overdraft accounts <i>Total amount you still owe on it</i>	Net value <i>Cash value minus loan / overdraft owed</i>
(1)		\$	\$	\$
(2)		\$	\$	\$
(3)		\$	\$	\$

 Check this box if you have attached a sheet with additional information on other checking & savings accounts.
F. Household**Owner: P = Petitioner R = Respondent J = Joint (Both)*

Household contents <i>Describe</i>	Owner* <i>P,R,J</i>	Market value <i>What it would sell for</i>	Debt <i>Total amount you still owe on it and to whom owed</i>	Net value <i>Market value minus debt owed</i>
(1) Furniture		\$	\$	\$
a.		\$	to:	\$
b.		\$	to:	\$
c.		\$	to:	\$
d.		\$	to:	\$
(2) Appliances / Electronics		\$	\$	\$
a.		\$	to:	\$
b.		\$	to:	\$
c.		\$	to:	\$
d.		\$	to:	\$
(3) Other contents		\$	\$	\$
a.		\$	to:	\$

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

b.		\$	\$ to:	\$
c.		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other household assets.

G. Retirement assets

*Owner (Whose name is on the retirement account?): P = Petitioner R = Respondent J = Joint (Both)

Retirement assets <i>Examples: Pensions, IRAs, 401(k)s, annuities, etc.</i>	Owner* <i>P,R,J</i>	Market value <i>What it would sell for</i>	Loan from retirement account <i>Total amount you still owe on it and to whom owed</i>	Net value <i>Market value minus loan owed</i>
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other retirement assets.

H. Other assets

Items not listed in the other boxes should be listed here. For example: jewelry, furs, guns, sporting goods, farm animals.

*Owner: P = Petitioner R = Respondent J = Joint (Both)

Other assets <i>Describe</i>	Owner* <i>P,R,J</i>	Market value <i>What it would sell for</i>	Debt <i>Total amount you still owe on it and to whom owed</i>	Net value <i>Market value minus debt owed</i>
(1)		\$	\$ to:	\$
(2)		\$	\$ to:	\$
(3)		\$	\$ to:	\$

Check this box if you have attached a sheet with additional information on other assets.

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued**I. Totals**

(1) Total from attached sheets <i>Listed in 1A-H.</i>	\$
(2) Total net value of assets <i>Listed in 1A-H.</i>	\$

2. Other Debts *Debts may include things such as past due balances on utilities, money owed to a landlord for damages after moving, credit card debt, and loans from friends, family, or banks.***Whose debt is it? P = Petitioner R = Respondent J = Joint (Both)*

Other debts <i>List only those not included as "debt" or "loans" under "Assets" in part 1.</i>	Whose debt?* <i>P,R,J</i>	Amount owed
(1)		\$
(2)		\$
(3)		\$
(4)		\$
(5)		\$
(6)		\$
(7)		\$
(8)		\$
(9)		\$
(10)		\$
(11)		\$
(12)		\$
(13)		\$
(14)		\$
(15)		\$
<input type="checkbox"/> <i>Check this box if you have attached a sheet with additional information on other debts, and enter the total.</i>		\$
Total other debts <i>Including amounts shown on attached sheet, if any.</i>		\$

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

3. Income and Deductions

A. Petitioner's Income and Deductions *If you are Respondent, give your best estimate for each amount.*

**How often is income paid or deduction taken?*

W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month

Current income and deductions for Petitioner <i>Sources of income and deductions</i>	Income		Deductions	
	How often paid?* <i>W,B,M,T</i>	Gross amount <i>Before deductions</i>	How often taken?* <i>W,B,M,T</i>	Amount of deduction
(1) Wages from employer <i>Employer name:</i> <i>Job title:</i>		\$		\$
(2) Wages from employer <i>Employer name:</i> <i>Job title:</i>		\$		\$
(3) Unemployment assistance		\$		\$
(4) Family Investment Program		\$		\$
(5) Social Security		\$		\$
(6) Other <i>Identify:</i>		\$		\$
(7) Other <i>Identify:</i>		\$		\$
(8) Other <i>Identify:</i>		\$		\$
(9) Totals from attached sheets, if any <input type="checkbox"/> <i>Check this box if you have attached a sheet with additional information on Petitioner's income and deductions.</i>		\$		\$
Totals <i>Current income and deductions for Petitioner</i>		\$ Income total		\$ Deductions total

Continued on next page

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued**B. Respondent's Income and Deductions** *If you are Petitioner, give your best estimate for each amount.***How often is income paid or deduction taken?**W = Weekly B = Bi-weekly (every other week) M = Monthly T = Two times a month*

Current income and deductions for Respondent <i>Sources of income and deductions</i>	Income		Deductions	
	How often paid?* <i>W,B,M,T</i>	Gross amount <i>Before deductions</i>	How often taken?* <i>W,B,M,T</i>	Amount of deduction
(1) Wages from employer <i>Employer name:</i> <i>Job title:</i>		\$		\$
(2) Wages from employer <i>Employer name:</i> <i>Job title:</i>		\$		\$
(3) Unemployment assistance		\$		\$
(4) Family Investment Program		\$		\$
(5) Social Security		\$		\$
(6) Other <i>Identify:</i>		\$		\$
(7) Other <i>Identify:</i>		\$		\$
(8) Other <i>Identify:</i>		\$		\$
(9) Totals from attached sheets, if any <input type="checkbox"/> <i>Check this box if you have attached a sheet with additional information on Respondent's income and deductions.</i>		\$		\$
Totals <i>Current income and deductions for Respondent</i>		\$ Income total		\$ Deductions total

4. Expenses**A. Living arrangements***Check one*

- (1) My spouse and I live in the same home.
- (2) My spouse and I do not live in the same home.

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued**B. My expenses***Note: You must complete this section if you or your spouse wants spousal support (alimony).***How often paid?: W = Weekly B = Bi-weekly (every other week) M = Monthly**T = Two times a month A = Annually*

Type of expense	Paid to	How often paid?* <i>W,B,M,T,A</i>	Monthly payment
(1) House payment or rent			\$
(2) Food <i>At home & restaurants</i>			\$
(3) Transportation (<i>gas, bus fare</i>) <i>Not car loan payments – see (12).</i>			\$
(4) Clothing			\$
(5) Medical, dental <i>Not health insurance payments – see 4B(10).</i>			\$
(6) Utilities (<i>gas, electric</i>)			\$
(7) Phone			\$
(8) Cable / satellite television / internet			\$
(9) Car insurance payment			\$
(10) Health insurance payment			\$
(11) Credit card payments			\$
(12) Car loan payments			\$
(13) Other loan payments			\$
(14) Other expense <i>Identify:</i>			\$
(15) Other expense <i>Identify:</i>			\$
(16) Other expense <i>Identify:</i>			\$
(17) Totals from attached sheets, if any <input type="checkbox"/> <i>Check this box if you have attached a sheet with additional information on your expenses.</i>			\$
Total expenses			\$

Rule 17.100—Form 124: *Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

5. Attorney Help

Check one

A. An attorney did not help me prepare or fill in this paper.

B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

6. Certification of Service by Mailing or Delivery

Section 6 to be completed only if filing in paper or if the other party is exempt from electronic filing.

This document, if filed electronically, will automatically be served on registered parties.

I, _____, certify that on _____, 20____
Print your name *Month* *Day* *Year*

I mailed or gave a copy of this Financial Affidavit to the other party or the other party's attorney at this address:

Name of person to whom I delivered or mailed it

Party's or attorney's mailing address *City* *State* *ZIP code*

7. Oath and Signature

I, _____, have read this Financial Affidavit, and I certify
Print your name

under penalty of perjury and pursuant to the laws of the State of Iowa that I have read this Financial Affidavit and that the information I have provided in it is true and correct.

_____, 20____
Signed on: Month *Day* *Year* *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address – if available*

** Whether filing electronically or in paper, you must handwritten your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 125: Affidavit of Mailing Notice

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

Upon the Petition of

Petitioner *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

Affidavit of Mailing Notice**1. Attorney Help**

Check one

- A. An attorney did not help me prepare or fill in this paper.
 B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____ _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

Important Notice to Petitioner

Petitioner **must** file this if he or she served Notice by Publication in a newspaper and asks the court for a divorce Decree by default. Petitioner **must** also complete the oath and signature section on the next page.

Petitioner's Oath and Signature on next page

Rule 17.100—Form 125: *Affidavit of Mailing Notice*, continued

2. Petitioner’s Oath and Signature

I, _____, certify under penalty of perjury and pursuant to the
Print your name

laws of the State of Iowa that on the _____ day of _____, 20____, I sent by ordinary
Day Month Year
mail with proper postage, the following paper or papers:

Check one

- Original Notice and Petition for Dissolution of Marriage, or
- Notice of Intent to File a Written Application for Default Decree

to Respondent’s last-known address as follows:

Respondent’s street address City State ZIP code

_____, 20____
*Signed on: Month Day Year Petitioner’s signature**

Mailing address City State ZIP code

(_____) _____
Phone number Email address Additional email address – if available

* *Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 126: Notice of Intent to File Written Application for Default Decree*If you do not understand how to use this form, or if you should use this form, talk to an attorney.***In the Iowa District Court for _____ County***County where your case is filed***Upon the Petition of****Petitioner** *Full name: first, middle, last*

and concerning

Respondent *Full name: first, middle, last*

Equity case no. _____

Notice of Intent to File Written Application for Default Decree**To:** _____
*Respondent's first name Middle name Last name*Date of Notice: _____, 20____
*Month Day Year***Important Notice to Respondent:**

You are in default because you have failed to take action required of you in this case. Unless you act within **10 days** from the date of this Notice, a Default Decree of Dissolution of Marriage will be entered against you without a hearing, and you may lose your property or other important rights.

You should seek legal advice at once.

Handwritten signature of Petitioner or attorney if filing in paper or */s/* _____
Electronic signature of Petitioner or Attorney if filing electronically

The person who provided the signature above must fill in the information below.

Present street address (If attorney, firm address) City State ZIP code(_____) _____
*Phone number Email address***Instructions for Petitioner** **Filing your Notice electronically**

EDMS will automatically serve Respondent unless Respondent is exempt from electronic filing requirements.

 **Filing your Notice in paper** (if you have received permission from the court to file in paper)

1. Deliver a copy of this form to Respondent by mail or in person.
2. Complete form 125 and file the original at the clerk of court's office.
3. File the original of this form (126) at the clerk of court's office.
4. Keep a copy for your records.

Rule 17.100—Form 127: Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children

Caution: This form may require you to provide protected or sensitive information.

Use this form only if you have filed a Petition for Dissolution of Marriage (101) and:

- Your spouse (Respondent) did not file an Answer, or
 - Your spouse will not work with you to prepare a Settlement Agreement (128).
-  *If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111) if you have not already done so.*
-  *If filing in paper, you may use form 111 to provide any protected information in full if you have not already done so.*

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Full name: first, middle, last</i></p>	<p>Equity case no. _____</p> <p>Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children</p>
--	--

1. Personal Information *Fill in all information that you know. If you have been assaulted by your spouse and you fear for your safety, you may leave your address, phone number, and email blank.*

I am

Check one

- A. Petitioner
- B. Respondent

(1) Petitioner's birth year and present residence: _____
Birth year

Petitioner's present street address

County

City

(_____) _____
Phone number

State

ZIP code

Email address

(2) Respondent's birth year and present residence: _____
Birth year

Respondent's present street address

County

City

(_____) _____
Phone number

State

ZIP code

Email address

Rule 17.100—Form 127: *Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

2. Request for Relief

A. Children *Check all that are true*

- (1) There are no children under the age of 18 who are children of both Petitioner and Respondent.
- (2) There are no children under the age of 18 who were adopted or born during this marriage.
- (3) There are no children 18 years of age or older who still need support.
- (4) Neither Petitioner nor Respondent is pregnant.

B. Breakdown of marriage

The marriage is broken down and cannot be saved.

C. Counseling

Counseling will not save the marriage.

D. Waiting period before decree *Check one*

- (1) More than 90 days have passed since Respondent was served with an Original Notice.
- (2) Fewer than 90 days have passed since Respondent was served with an Original Notice, but I want the court to take action right away without a separate hearing. There are no children affected by this action. Neither Petitioner nor Respondent is pregnant. This paper explains how I would like to settle all issues in my divorce.

E. Financial affidavits *Check one*

- (1) I filed a Financial Affidavit (124). I certify that I have fully disclosed all income and the identity and value of all assets and debts.
- (2) I am asking that the court not require me to file a Financial Affidavit. *Explain*

F. Division of personal property *Check one*

- (1) All of the personal property obtained during the marriage has been divided. I ask that Petitioner will keep the personal property in Petitioner's possession, and Respondent will keep the personal property in Respondent's possession. *If you check (1), skip to G.*
- (2) I ask that our personal property be divided as follows: *Attach additional sheets if necessary.*
 - a. Petitioner will get the following as Petitioner's separate personal property:

- b. Respondent will get the following as Respondent's separate personal property:

Rule 17.100—Form 127: *Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

G. Division of real estate

For each parcel of real estate you own, provide the following information. Attach a separate sheet for each additional parcel.

(1) Ownership of real estate

Check one

- a. We do not own any real estate. *If you check a, skip to H.*
- b. We own real estate located at: _____,
Street address
in the City of _____, County of _____, and
State of _____. This land is described in the deed as follows:

(2) The real estate shall be:

Check one

- a. Sold and the profit or debt divided _____% to Petitioner and _____% to Respondent.
- b. Awarded to Petitioner, subject to all liens and mortgages.
- c. Awarded to Respondent, subject to all liens and mortgages.
- d. Other *Explain* _____

(3) Additional real estate

Check this box if you are attaching separate sheets for additional parcels of real estate.

H. Division of debts

Check one

- (1) There are no debts.
- (2) I have listed all the debts I know about and ask that they be divided as follows:
Attach additional sheets if necessary.
 - a. Petitioner will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any <i>Last 4 numbers only</i>	iii. Total amount still owed
(a)		\$
(b)		\$

Rule 17.100—Form 127: *Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate sheet listing additional information about Petitioner's debts.

b. Respondent will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any Last 4 numbers only	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate sheet listing additional information about Respondent's debts.

c. For any debt we do not know about, the spouse who made the debt will pay that debt.

I. Cash payment

I ask that

Check one

- (1) Neither Petitioner nor Respondent pay any money to the other.
- (2) Petitioner pay Respondent \$ _____ to equalize the division of property and debts by _____, 20____.

Month
 Day
 Year
- (3) Respondent pay Petitioner \$ _____ to equalize the division of property and debts by _____, 20____.

Month
 Day
 Year

J. Spousal support (alimony)

Check one

I ask that:

- (1) Neither Petitioner nor Respondent pay spousal support (alimony) to the other.
- (2) Spousal support (alimony) be paid as follows: _____

Rule 17.100—Form 127: *Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

K. Name change

Check one

I ask that my last name

(1) Not be changed.

(2) Be changed to: _____ *Name can only be changed to name on birth certificate or name used immediately prior to the marriage.*
Print your former or birth name

L. Court fees

Check one

I ask that

(1) Petitioner will pay all court fees.

(2) Respondent will pay all court fees.

(3) Petitioner and Respondent shall each pay one-half of the remaining court fees.

(4) Petitioner and Respondent shall each pay one-half of the total court fees.

M. Attorney's fees

Check one

(1) I have no attorney's fees.

(2) I will pay my own attorney's fees.

(3) I ask that my spouse pay me \$ _____ for attorney's fees.

N. Necessary documents

I ask that the court require each of us to sign and deliver to each other any papers that may be needed to carry out the terms of the Decree.

O. Other request for relief *Attach additional sheets if necessary.* _____

3. Statements of understanding and fact

Check all that apply

A. I have made a full disclosure of my property and debts to the court.

B. This request for relief addresses all issues in my divorce.

C. I want the court to approve this request for relief and make it part of the final Decree.

Continued on next page

Rule 17.100—Form 127: *Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued**4. Attorney Help***Check one*

- A. An attorney did not help me prepare or fill in this paper.
 B. An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____ _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

5. Certification of Service by Mailing or Delivery*Section 5 to be completed only if filing in paper or if the other party is exempt from electronic filing.**This document, if filed electronically will automatically be served on registered parties.*

I, _____, certify that on _____, 20_____
Print your name *Month* *Day* *Year*

I mailed or gave a copy of this Request to the other party or the other party's attorney at this address:

Name of person to whom I delivered or mailed it

Party's or attorney's mailing address *City* *State* *ZIP code*

6. Oath and Signature

I, _____, have read this Request, and I certify under penalty
Print your name

of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Request is true and correct.

_____, 20_____
Signed on: Month Day Year *Your signature**

Mailing address *City* *State* *ZIP code*

(_____) _____ _____
Phone number *Email address* *Additional email address, if applicable*

* *Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 17.100—Form 128 Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children

Caution: This form may require you to provide protected or confidential information.

Use this form only if you and your spouse both agree to the terms of a settlement agreement.

 *If filing electronically and you include protected information on this form, fill out or update the Protected Information Disclosure form (111) if you have not already done so.*

 *If filing in paper, you may use form 111 to provide any protected information in full.*

Do not use this form if:

- You and your spouse have children under the age of 18, or
- You and your spouse have children 18 years of age or older who still need support.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Full name: first, middle, last</i></p>	<p>Equity case no. _____</p> <p style="text-align: center;">Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children</p>
--	---

1. Personal Information *Fill in all information that you know. If you have been assaulted by your spouse and you fear for your safety, you may leave your address, phone number, and email blank.*

A. Petitioner's birth year and present residence: _____
Birth year

Petitioner's present street address _____
City _____
State _____
ZIP code

County _____
Phone number _____
Email address

B. Respondent's birth year and present residence: _____
Birth year

Respondent's present street address _____
City _____
State _____
ZIP code

County _____
Phone number _____
Email address

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

2. Agreements

We agree to the following:

A. Children *Check all that are true*

- (1) There are no children under the age of 18 who are children of both Petitioner and Respondent.
- (2) There are no children under the age of 18 who were adopted or born during this marriage.
- (3) There are no children 18 years of age or older who still need support.
- (4) Neither Petitioner nor Respondent is pregnant.

B. Breakdown of marriage

The marriage is broken down and cannot be saved.

C. Counseling

Counseling will not save the marriage.

D. Waiting period before decree *Check one*

- (1) More than 90 days have passed since Respondent was served with an Original Notice.
- (2) Fewer than 90 days have passed since Respondent was served with an Original Notice, but we want the court to take action right away without a separate hearing. We have no children affected by this action. Neither Petitioner nor Respondent is pregnant. This paper explains how we would like to settle all issues in our divorce.

E. Financial affidavits *Check one*

- (1) Petitioner or Respondent has filed a Financial Affidavit (124).
If you check (1), check a and/or b.
- a. Petitioner has filed a Financial Affidavit. Petitioner certifies that Petitioner has fully disclosed all income and the identity and value of all assets and debts.
- b. Respondent has filed a Financial Affidavit. Respondent certifies that Respondent has fully disclosed all income and the identity and value of all assets and debts.
- (2) We are asking that the court not require us to file Financial Affidavits because: *Explain*
-
-

F. Division of personal property

Check one

- (1) We have divided our personal property. Petitioner will keep the personal property in Petitioner's possession. Respondent will keep the personal property in Respondent's possession.
If you check (1), skip to G.
- (2) Our personal property will be divided as follows:
Attach additional sheets if necessary.
- a. Petitioner will get the following as Petitioner's separate personal property:
-
-
-

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

b. Respondent will get the following as Respondent's separate personal property:

G. Division of real estate

*For each parcel of real estate you own, provide the following information.
Attach a separate sheet for each additional parcel.*

(1) Ownership of real estate

Check one

a. We do not own any real estate. *If you check a, skip to H.*

b. We own real estate located at: _____,
Street address

in the City of _____, County of _____, and

State of _____. This land is described in the deed as follows:

(2) The real estate shall be:

Check one

a. Sold and the profit or debt divided _____% to Petitioner and _____%
to Respondent.

b. Awarded to Petitioner, subject to all liens and mortgages.

c. Awarded to Respondent, subject to all liens and mortgages.

d. Other *Explain* _____

(3) Additional real estate

Check this box if you are attaching separate sheets for additional parcels of real estate.

H. Division of debts

Check one

(1) There are no debts.

(2) We have listed all the debts that we know about and ask that they be divided as follows:
Attach additional sheets if necessary.

Continued on next page

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

a. Petitioner will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any <i>Last 4 numbers only</i>	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate sheet listing additional information about Petitioner's debts.

b. Respondent will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any <i>Last 4 numbers only</i>	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate sheet listing additional information about Respondent's debts.

c. For any debt we do not know about, the spouse who made the debt will pay that debt.

I. Cash payment

We ask that

Check one

- (1) Neither Petitioner nor Respondent pay any money to the other.
- (2) Petitioner pay Respondent \$ _____ to equalize the division of property and debts by _____, 20____.
Month Day Year
- (3) Respondent pay Petitioner \$ _____ to equalize the division of property and debts by _____, 20____.
Month Day Year

Continued on next page

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

J. Spousal support (alimony)

Check one

We ask that:

- (1) Neither Petitioner nor Respondent pay spousal support (alimony) to the other.
- (2) Petitioner pay spousal support (alimony) to Respondent as follows: _____

- (3) Respondent pay spousal support (alimony) to Petitioner as follows: _____

K. Name change

Check one

We ask that

(1) Petitioner's name

- a. Not be changed.
- b. Be changed to:

Name can only be changed to name on birth certificate or name used immediately prior to the marriage.

Print Petitioner's former or birth name

(2) Respondent's name

- a. Not be changed.
- b. Be changed to:

Name can only be changed to name on birth certificate or name used immediately prior to the marriage.

Print Respondent's former or birth name

L. Court fees

Check one

We ask that

- (1) Petitioner will pay all court fees.
- (2) Respondent will pay all court fees.
- (3) Petitioner and Respondent shall each pay one-half of the remaining court fees.
- (4) Petitioner and Respondent shall each pay one-half of the total court fees.

Continued on next page

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

M. Attorney's fees

(1) Petitioner's attorney's fees

Check one

- a. Petitioner has no attorney's fees.
- b. Petitioner will pay Petitioner's attorney's fees.
- c. Respondent will pay \$ _____ for Petitioner's attorney's fees.

(2) Respondent's attorney's fees

Check one

- a. Respondent has no attorney's fees.
- b. Respondent will pay Respondent's attorney's fees.
- c. Petitioner will pay \$ _____ for Respondent's attorney's fees.

N. Necessary documents

We will sign and promptly deliver to each other any papers that may be needed to carry out this Settlement Agreement.

O. Other agreements

Attach additional sheets if necessary.

Continued on next page

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued**3. Attorney Help***Check one***A. Petitioner**

- (1) An attorney did not help me prepare or fill in this paper.
 (2) An attorney helped me prepare or fill in this paper.

If you check (2), you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

B. Respondent

- (1) An attorney did not help me prepare or fill in this paper.
 (2) An attorney helped me prepare or fill in this paper.

If you check (2), you must fill in the following information:

Name of attorney or organization, if any *Attorney's P.I.N. # – Ask the attorney*

Business address of attorney or organization *City* *State* *ZIP code*

(_____) _____ (_____) _____
Attorney's phone number *Attorney's fax number – optional* *Attorney's email address – optional*

4. Oaths and Signatures

This Settlement Agreement addresses all issues in our divorce. We have made a full disclosure of our property and debts to each other. We want the court to approve this agreement and make it a part of the final Decree.

A. Petitioner's Oath and Signature

I, _____, certify under penalty of perjury and pursuant to the
Print your name

laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court.

_____, 20_____
Month *Day* *Year* *Petitioner's signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address – if available*

** Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Continued on next page

Rule 17.100—Form 128: *Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children*, continued

B. Respondent's Oath and Signature

I, _____, certify under penalty of perjury and pursuant to the
Print your name

laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court.

_____, 20_____
*Month Day Year Respondent's signature**

Mailing address City State ZIP code

(_____) _____
Phone number Email address Additional email address - if available

* *Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

D. GENERAL INFORMATION ABOUT THIS CASE

4. Information about the current child support order:

- a. Date entered: _____ / _____ / _____
(Month) (Day) (Year)
- b. County and state where the current order is entered: _____
- c. Case number on the current child support order: _____
- d. (Name) _____ pays child support in this case.
 (Name) _____ receives child support in this case.
- e. The current child support payment is: \$ _____ per _____.
(Week or month)

5. (Check if true.) A copy of the current child support order is attached.

6. (Check all that are true.)

- The Child Support Recovery Unit (CSRU) is involved in this case.
- The Collection Services Center (CSC) is involved. The CSC number is: _____

7. (Check if true.)

There are other child support orders for the child or children involved in this case. They are:
(If you check this box, write in the following information.)

Case # _____ County & State _____
 Case # _____ County & State _____

8. The following children are covered by the current child support order:

<u>First, middle & last</u> <u>initials of each child</u>	<u>Year of birth</u>	<u>First, middle & last</u> <u>initials of each child</u>	<u>Year of birth</u>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

Note: If you need more lines to list the children, attach a separate sheet and check this box:

► Stop! If there is a court order that sets up custody and you need to change custody, you cannot use this form. Talk to an attorney if you need to change custody

15. Other information: _____

E. REQUEST OF THE APPLICANT (You are the Applicant)

- 16.** Applicant asks the court to: *(Check all that apply.)*
- a. Raise the current child support payment.
 - b. Lower the current child support payment.
 - c. End the current child support payment.
 - d. Set child support for the parent who does not have the children.
 - e. Change who gets the tax deduction for the child or children.
 - f. Change who pays for health care expenses for the child or children.
 - g. Order that the other party pay the court fees.
 - h. Order that the other party pay my attorney fees.
 - i. Other request: _____

F. ATTORNEY HELP

- (Check one.)*
- a. An attorney did not help me prepare or fill in this paper.
 - b. An attorney helped me prepare or fill in this paper.
(If you check b., you must fill in the following information.)

(Name of attorney or organization, if any) *(Attorney's P.I.N. # – Ask the attorney)*

(Business address of attorney or organization) *(City)* *(State)* *(ZIP Code)*

(_____) (_____)
(Attorney's phone number – Required) *(Attorney's fax number, if there is one)*

G. OATH AND SIGNATURE

I, _____, certify under penalty of perjury and pursuant to the laws of the state of Iowa that the information I have provided in this Application is true and correct.

(Your signature – Required)

(Your mailing address – Required) *(City – Required)* *(State, ZIP Code – Required)*

(E-mail address – Optional) (_____) *(Fax number – Optional)*

NOTICE TO APPLICANT: You must serve this form and an Original Notice (**FL-17.304**) on the other parties. If the Child Support Recovery Unit (CSRU) is involved in this case (see item 6, above), you must also serve both forms on the CSRU. See the instructions for forms **FL-17.301** and **FL-17.304**.

FL-17.303 CONFIDENTIAL INFORMATION FORM

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where Application is filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the Application)*

VS

RESPONDENT *(As it is in the Application)*

Equity case number: _____
Confidential Information Form <i>(CLERK STAMPS HERE)</i>

C. APPLICANT'S INFORMATION *(The person who files the Application to modify child support)*

Name: _____
Last First Middle

Address: _____
Street Number City State ZIP Code

Soc. Security #: _____ Drivers License #: _____

Birth Date: _____ Telephone #: _____

Employer: _____

Employer's Address: _____
Street Number City State ZIP Code

Employer's Telephone #: _____

D. OTHER PARTY'S INFORMATION

Name: _____
Last First Middle

Address: _____
Street Number City State ZIP Code

Soc. Security #: _____ Drivers License #: _____

Birth Date: _____ Telephone #: _____

FL-17.303 CONFIDENTIAL INFORMATION FORM

Employer: _____

Employer's Address: _____
Street Number City State ZIP Code

Employer's Telephone #: _____

E. CHILDREN'S INFORMATION

Fill in the name and other information for each child in this case:

1. Name: _____
Last First Middle

Soc. Security #: _____ Birth Date: _____

2. Name: _____
Last First Middle

Soc. Security #: _____ Birth Date: _____

3. Name: _____
Last First Middle

Soc. Security #: _____ Birth Date: _____

4. Name: _____
Last First Middle

Soc. Security #: _____ Birth Date: _____

5. Name: _____
Last First Middle

Soc. Security #: _____ Birth Date: _____

If there are more than five children, attach an additional sheet with this same information for the others and check here:

F. SIGNATURE

The party or parties submit the above information in compliance with the Court's Order and with the knowledge the information will be used to enforce any support Order under the *Code of Iowa*, Chapters 234, 252A, 252C, 252F, 252H, 252K, or 600B, as provided for in Section 598. The parties must *promptly* file with the Clerk of the District Court or the Child Support Recovery Unit an update of this information if their address or employment change.

Information given by: _____
(Print your full name)

(Your signature)

(Date)

IMPORTANT NOTICE: DO NOT GIVE COPIES OF THIS FORM TO ANYONE EXCEPT THE CLERK OF DISTRICT COURT

FL-17.309 APPLICATION AND AFFIDAVIT TO DEFER PAYMENT OF COSTS

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where the Application is filed)

B. UPON THE PETITION

PETITIONER *(As it is in the Application)*

VS

RESPONDENT *(As it is in the Application)*

<p>Equity case number:</p> <hr/> <p>Application and Affidavit to Defer Payment of Costs <i>(CLERK STAMPS HERE)</i></p>

C. REQUEST

1. My name is: _____ *(Print clearly.)*

2. *(Check all that apply.)*

- a. I am unable to pay the filing fee or service costs or other court costs.
- b. I ask the Court for permission to proceed without prepayment of costs and fees.
- c. I am filing this application and affidavit in good faith.
- d. I believe I am entitled to what I am asking for in this case.

D. FINANCIAL INFORMATION

3. Number of people living in my household: _____

4. My household income is \$_____ per month.
(Put the amount of all income and benefits before deductions.)

5. List where your household income comes from (examples: employer or benefits such as unemployment, Title 19, FIP): _____

FL-17.315 ANSWER TO APPLICATION TO MODIFY CHILD SUPPORT ONLY

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ **COUNTY, IOWA**
(County where the Application is filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the Application)*

VS

_____ **RESPONDENT** *(As it is in the Application)*

<p>Equity case number:</p> <hr/> <p>Answer to Application to Modify Child Support Only <i>(CLERK STAMPS HERE)</i></p>

▶ **STOP! Use this form only if you are responding to an Application for Modification of Child Support on form **FL-17.301**. For all other situations, see the instructions for this form.**

C. PERSONAL INFORMATION

1. *(Check only one. If you check the second box, fill in the blanks.)*

- The Applicant's year of birth and present residence are correct in the Application.
- The Applicant's year of birth and present residence are:

<i>(Name)</i>	<i>(Year of birth)</i>
<i>(Present street address)</i>	<i>(City)</i> <i>(State)</i> <i>(ZIP Code)</i>
<i>(County)</i>	() <i>(Phone number)</i>

2. Response *(Check only one. If you check the second box, fill in the blanks.)*

- My year of birth and present residence are correct in the Application.
- My year of birth and present residence are:

<i>(Name)</i>	<i>(Year of birth)</i>
<i>(Present street address)</i>	<i>(City)</i> <i>(State)</i> <i>(ZIP Code)</i>
<i>(County)</i>	() <i>(Phone number)</i>

3. (Check only one. If you check the third box, fill in the blanks.)

- There is no non-parent who gets child support in this case.
- The year of birth and present residence of the non-parent getting child support are correct in the Application.
- The correct identifying information for the non-parent receiving child support is:

(Name)	(Year of birth)		
(Present street address)	(City)	(State)	(ZIP Code)
(County)	()	(Phone number)	

D. GENERAL INFORMATION ABOUT THIS CASE**4.**

a. (Check only one. If you check the second box, fill in the blanks.)

- The date of the current child support order is correct in the Application.
- The correct date of the current child support order is: _____ / _____ / _____.
- Month Day Year

b. (Check only one. If you check the second box, fill in the blanks.)

- The county and state of the current child support order are correct in the Application.
- The correct county and state of the current child support order are:

County: _____ State: _____

c. (Check only one. If you check the second box, fill in the blank.)

- The case number of the current child support order is correct in the Application.
- The correct case number of the current child support order is: _____.

d. (Check only one. If you check the second box, fill in the blanks.)

- The Application correctly states who receives and who pay child support.
- The correct information is that (name) _____ pays child support in this case and (name) _____ receives child support.

e. (Check only one. If you check the second box, fill in the blanks.)

- The Application correctly states the amount of child support ordered.
- The correct currently ordered child support payment is: \$ _____ per _____.
- (week or month)

5. (Check only one.)

- a. A copy of the current child support order was attached to the Application.
- b. A copy of the current child support order was not attached to the Application.

6. (Check only one. If you check the second box, fill in the blank.)

- a. The Child Support Recovery Unit and/or the Collection Services Center are not involved.
- b. The child support recovery unit and/or the Collection Services Center (CSC) are involved.

The CSC number for payments is _____.

7. *(Check only one. If you check the second box, fill in the blanks.)*

- a. There are no other child support orders for the child or children involved in this case.
- b. There are other child support cases for the child or children involved in this case. They are
 Case # _____, County and State _____
 Case # _____, County and State _____

8. *(Check only one. If you check the second box, fill in the blanks.)*

- a. The Application correctly identifies the children covered by the current child support order.
- b. The Application does not correctly identify the children covered by the current child support order. *(Identify the children covered.)* The following children are covered by the current support order:

<i>First, middle & last initials of each child</i>	<i>Year of birth</i>
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____
(6) _____	_____

(If you attach a separate sheet with an additional child or children, check this box .)

9.

- a. *(Check only one.)*
 It is correct that there is a juvenile court order changing placement and that the person paying support has the child or children.
 There is no juvenile court order that gives care of the child to the party paying support.
- b. *(Check only one.)*
 It is correct that one or more of the children now live with the person paying support.
 None of the children live with the person who is ordered to pay support.
- c. *(Check only one.)*
 It is correct that one or more of the children no longer qualifies for support.
 There has been no change in the number of children who qualify for support.
- d. *(Check only one.)*
 I agree that the other party's income has gone down.
 I do not agree that the other party's income has gone down.
- e. *(Check only one.)*
 I agree that my income has gone up.
 I do not agree that my income has gone up.

f. My response to the other reason in the Application: _____

10. Child support should: *(Check all that apply. If you check more than one, explain on the blank lines.)*

- a. Be raised _____
- b. Be lowered _____
- c. Be stopped _____
- d. Not be changed _____

11. *(Check only one.)*

- a. There is no court order at this time on tax deductions for the child or children.
- b. A court order currently says who gets the tax deduction for the child or children and it should stay the same.
- c. A court order currently says who gets the tax deduction for the child or children and it should be changed.

12. *(Check only one.)*

- a. There is no court order at this time on who pays for health care expenses for the child or children.
- b. A court order currently says who pays for health care expenses for the child or children and it should stay the same.
- c. A court order currently says who pays for health care expenses for the child or children and it should be changed.

13. I am: *(Check all that are true and fill in the blanks for the ones you check.)*

a. In the military service. *(Give the location.)*

 b. In prison or jail. *(Give the location.)*

14. *(Check if true, and fill in the blanks if you check the box.)*

There is a “protective order” or a “no contact order” between the other party and me. If this box is checked, write in the following information *(Required)*:

_____ (County) _____ (State) _____ (Case number)

15. Other: _____

E. REQUEST

16. I ask the court to: *(Check all that apply.)*

- a. Dismiss the request for a change in child support.
- b. Raise child support.
- c. Lower child support.
- d. Stop child support completely.
- e. Leave the dependant's deduction for income tax unchanged.
- f. Change the party who gets the dependant's deduction for income tax.
- g. Leave the responsibility for health insurance expenses unchanged.
- h. Change the responsibility for health insurance expenses.
- i. Order that the other party pay the court fees.
- j. Order that the other party pay my attorney fees.
- k. Other request: _____

F. ATTORNEY HELP

- (Check one.)*
- a. An attorney did not help me prepare or fill in this paper.
 - b. An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information.)*

(Name of attorney or organization, if any)

(Attorney's P.I.N. # – Ask the attorney)

(Business address of attorney or organization)

(City)

(State)

(ZIP Code)

(_____) _____
(Attorney's phone number – Required)

(_____) _____
(Attorney's fax number, if there is one)

G. OATH AND SIGNATURE

I, _____, certify that on _____, 20____,
(Print your name) *(Month & day)* *(Year)*

I mailed or gave a copy of this form to the other party or the other party's attorney at this address:

(Name of person to whom I delivered or mailed it)

(Person's street address)

(City)

(State)

(ZIP Code)

I also certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read this form and that the information I have provided in it is true and correct.

(Your signature - Required)

(Your mailing address – Required)

(City – Required)

(State, ZIP Code – Required)

(E-mail address – Optional)

(_____) _____
(Fax number – Optional)

FL-17.316 GENERAL ANSWER TO APPLICATION TO MODIFY CHILD SUPPORT ONLY

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where Application is filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the Application)*

VS

RESPONDENT *(As it is in the Application)*

<p>Equity case number:</p> <hr/> <p>General Answer to Application to Modify Child Support Only <i>(CLERK STAMPS HERE)</i></p>
--

▶ **STOP!** If you are responding to an Application labeled **FL-17.301** → do not use this form. Use form **FL-17.315**

C. ANSWER

1. I admit that these paragraphs in the Application are true:

(List the numbers of the paragraphs in the Application that you think are true.)

2. I deny these paragraphs in the Application are true:

(List the numbers of the paragraphs in the Application that you think are false.)

3. I do not know whether these paragraphs in the Application are true:

(List the numbers of the paragraphs in the Application that you are not sure about.)

4. I deny anything in the Application that is not admitted in this Answer.

5. Other information: _____

D. REQUEST

I ask the court to:

E. ATTORNEY HELP

- (Check one.) a. An attorney did not help me prepare or fill in this paper.
- b. An attorney helped me prepare or fill in this paper. (If you check b., you must fill in the following information.)

(Name of attorney or organization, if any) _____
(Attorney's P.I.N. # - Ask the attorney)

(Business address of attorney or organization) _____
(City) (State) (ZIP Code)

()
(Attorney's phone number - Required) ()
(Attorney's fax number, if there is one)

F. OATH AND SIGNATURE

I, _____, certify that on _____, 20_____,
(Print your name) (Month & day) (Year)

I mailed or gave a copy of this form to the other party or the other party's attorney at this address:

(Name of person to whom I delivered or mailed it)

(Person's street address) _____
(City) (State) (ZIP Code)

I also certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read this form and that the information I have provided in it is true and correct.

(Your signature - Required) _____

(Your mailing address - Required) _____
(City - Required) (State, ZIP Code - Required)

(E-mail address - Optional) ()
(Fax number - Optional)

FL-17.322 MOTION

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ **COUNTY, IOWA**
(County where the Application is filed)

B. UPON THE PETITION

PETITIONER *(As it is in the Application)*

VS.

RESPONDENT *(As it is in the Application)*

Case Number:
Motion <i>(CLERK STAMPS HERE)</i>

C. REQUEST

1. My name is: _____

2. I ask the court to: *(Check all that apply.)*
a. Change the hearing date that has been set for _____, 20____.
b. Set a hearing date for a modification of child support.
c. Other request *(explain)*: _____

3. I am making this request because: _____

D. ATTORNEY HELP

(Check one.) a. An attorney did not help me prepare or fill in this paper.
b. An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information.)*

(Name of attorney or organization, if any) _____
(Attorney's P.I.N. # – Ask the attorney)

(Business address of attorney or organization) _____
(City) _____
(State) _____
(ZIP Code)

(_____) _____
(Attorney's phone number – Required) _____
(Attorney's fax number, if there is one)

E. CERTIFICATION AND SIGNATURE

I, _____, certify that on _____, 20____,
(Print your name) *(Month & day)* *(Year)*

I mailed or gave a copy of this form to the other party or the other party's attorney at this address:

(Name of person to whom I delivered or mailed it)

(Person's street address) _____ *(City)* _____ *(State)* _____ *(ZIP Code)*

I also certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read this form and that the information I have provided in it is true and correct.

(Your signature – Required) _____

(Your mailing address – Required) _____ *(City – Required)* _____ *(State, ZIP Code – Required)*

(E-mail address – Optional) (_____)
(Fax number – Optional)

FL-17.323 **RESPONSE TO A MOTION**

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where you're the Application is filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the Application)*

VS.

RESPONDENT *(As it is in the Application)*

Equity case number:

Response to a Motion <i>(CLERK STAMPS HERE)</i>

C. RESPONSE TO THE MOTION

1. My name is _____

2. The other party filed a Motion on *(date stamped on Motion)*: _____, 20____.
(Month & day) (Year)

3. My response to the Motion: *(Check one; if you check "a.," write your reason on the blank lines.)*

a. I object to the request(s) in the Motion because:

b. I do not object to the request(s) in the Motion

D. ATTORNEY HELP

(Check one.) a. An attorney did not help me prepare or fill in this paper.

b. An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information.)*

_____ *(Name of attorney or organization, if any)* _____ *(Attorney's P.I.N. # – Ask the attorney)*

_____ *(Business address of attorney or organization)* _____ *(City)* _____ *(State)* _____ *(ZIP Code)*

(_____) _____ *(Attorney's phone number – Required)* (_____) _____ *(Attorney's fax number, if there is one)*

E. CERTIFICATION AND SIGNATURE

I, _____ certify that on _____, 20_____,
(Print your name) *(Month & day)* *(Year)*

I mailed or gave a copy of this form to the other party or the other party's attorney at this address:

(Name of person to whom I delivered or mailed it)

_____ *(Person's street address)* _____ *(City)* _____ *(State)* _____ *(ZIP Code)*

I also certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read this form and that the information I have provided in it is true and correct.

(Your signature – Required) _____

_____ *(Your mailing address – Required)* _____ *(City – Required)* _____ *(State, ZIP Code – Required)*

_____ *(E-mail address – Optional)* (_____) *(Fax number – Optional)*

FL-17.324 CHILD SUPPORT MODIFICATION FINANCIAL STATEMENT

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where the Application is filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the Application)*

VS

RESPONDENT *(As it is in the Application)*

<p>Equity case number: _____</p> <p>Child Support Modification Financial Statement <i>(CLERK STAMPS HERE)</i></p>
--

I, *(print your name)* _____, state that the following is a true and complete statement of the requested information:

C. MY INCOME

(Because this financial statement will become public record, you are not required to list the name of your employer(s).)

1. Income from my employment

<p>a. Job / Title: _____</p> <p>Gross income: \$ _____ per _____ <i>-- Before taxes (week or month)</i></p> <p>Net income: \$ _____ per _____ <i>-- After taxes (week or month)</i></p>	<p>b. Job / Title: _____</p> <p>Gross income: \$ _____ per _____ <i>-- Before taxes (week or month)</i></p> <p>Net income: \$ _____ per _____ <i>-- After taxes (week or month)</i></p>
--	--

2. Other Income: \$ _____ per _____ Describe source of income: _____
(week or month)

3. Income from Social Security Disability (SSD) Benefits

a. Total SSD benefits paid to you for your disability:

(1) Amount paid for your expenses: \$ _____ per month

(2) Amount paid for your children's expenses: \$ _____ per month

b. List the initials (first, middle, last) and birth year of the children in your home who receive SSD benefits:

Child's initials (first, middle, last)	Birth year:
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____

c. The following are my children who receive Social Security Disability benefits but live with someone else:

Child's initials (first, middle, last):	Amount of SSD benefit:	Name of person receiving payment:
(1) _____	\$ _____ per month	_____
(2) _____	\$ _____ per month	_____
(3) _____	\$ _____ per month	_____
(4) _____	\$ _____ per month	_____
(5) _____	\$ _____ per month	_____

d. Total SSD benefits paid to someone else for the children in "2.c.": \$ _____ per month

e. Total SSD benefits paid to you because you are the spouse of the disabled parent:
 \$ _____ per month

D. MY DEDUCTIONS

- 4.** Tax Status:
- a. I am currently married to the other parent. *(Check one.)* Yes No
 - b. I have custody of the child or children in this case. *(Check one.)* Yes No

5. Number of exemptions: Yourself: 1 Children: _____

6. Income tax withheld: Federal: \$ _____ per _____
 State: \$ _____ per _____

7. FICA *(Social Security & Medicare)*: \$ _____ per _____

8. Mandatory pension contribution: \$ _____ per _____

9. Union dues: \$ _____ per _____

10. Dependent health insurance premium: \$ _____ per _____

Name(s) of dependent(s) covered: _____

11. Actual medical support paid for the child or children as required by court order:

Paid to:	Amount:
_____	\$ _____ per _____
_____	\$ _____ per _____
_____	\$ _____ per _____

12. Parent's medical expenses that have not been paid by insurance: \$ _____ per _____

(This includes individual health insurance premiums or individual health care expenses that are not covered by insurance but the amount cannot exceed \$25 per month.)

13. Prior court-ordered child support or alimony:

Paid to:	Amount:
_____	\$ _____ per _____
_____	\$ _____ per _____
_____	\$ _____ per _____

14. Qualified additional dependent deduction

*List the name and birth year of each child you are the legal parent of. **Do not include any children covered by the child support order involved in this case.***

Child's initials (<i>First, middle, last</i>)	Birth year:
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____

15. Actual child care expense due to employment (*custodial parent only*): \$ _____ per _____

16. Extraordinary visitation

Number of Court Ordered Overnights: _____

NOTE: If the court ordered equally shared physical care for the children, this credit does not apply.

G. MY DEBTS *(Regular payments owed for borrowed money)*

(For example: credit cards, department stores, loan companies, banks, auto loans)

(1) Payable to:	(2) Item or Service	(3) Payment Amount	(4) Balance Due
(a) _____	_____	\$ _____ per _____	\$ _____
(b) _____	_____	\$ _____ per _____	\$ _____
(c) _____	_____	\$ _____ per _____	\$ _____
(d) _____	_____	\$ _____ per _____	\$ _____
(e) _____	_____	\$ _____ per _____	\$ _____

If you have additional debts, attach an additional page and check this box

H. CURRENT SPOUSE'S INCOME *(If you are not currently married, skip to I.)*

(1) Job / Title: _____ (2) Job / Title: _____

Gross income: \$ _____ per _____ <i>-- Before taxes (week or month)</i>	Gross income: \$ _____ per _____ <i>-- Before taxes (week or month)</i>
Net income: \$ _____ per _____ <i>-- After taxes (week or month)</i>	Net income: \$ _____ per _____ <i>-- After taxes (week or month)</i>

(3) Other Income: \$ _____ per _____ Describe source of income: _____

I. ATTORNEY HELP

- (Check one.) a. An attorney did not help me prepare or fill in this paper.
 b. An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information.)*

(Name of attorney or organization, if any) _____
(Attorney's P.I.N. # – Ask the attorney)

(Business address of attorney or organization) _____
(City) (State) (ZIP Code)

(_____) _____
(Attorney's phone number – Required) _____
(Attorney's fax number, if there is one)

Continued on the next page

J. OATH AND SIGNATURE

I, _____, certify that on _____, 20____,
(Print your name) *(Month & day)* *(Year)*

I mailed or gave a copy of this form to the other party or the other party's attorney at this address:

(Name of person to whom I delivered or mailed it)

(Person's street address) _____
(City) _____
(State) _____
(ZIP Code)

I also certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read this form and that the information I have provided in it is true and correct.

(Your signature – Required) _____

(Your mailing address – Required) _____
(City – Required) _____
(State, ZIP Code – Required)

(E-mail address – Optional) _____
(Fax number – Optional)

FL-17.325 AFFIDAVIT OF MAILING NOTICE

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ **COUNTY, IOWA**
(County where the Application is filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the Application)*

VS

RESPONDENT *(As it is in the Application)*

Equity case number: <hr/> Affidavit of Mailing Notice <i>(CLERK STAMPS HERE)</i>
--

C. ATTORNEY HELP

- (Check one.)*
- a. An attorney did not help me prepare or fill in this paper.
 - b. An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information.)*

(Name of attorney or organization, if any) _____
(Attorney's P.I.N. # - Ask the attorney)

(Business address of attorney or organization) _____
(City) _____
(State) _____
(ZIP Code)

(_____) _____
(Attorney's phone number - required) _____
(Attorney's fax number, if there is one)

D. OATH AND SIGNATURE

I, the undersigned, certify under penalty of perjury and pursuant to the laws of the state of Iowa that on the _____ day of _____, 20____, I sent by ordinary mail, with proper postage affixed, the following paper or papers *(check each that applies)*:

- Notice of Intent to File a Written Application for Default Decree
- Other document *(describe)*: _____

to the other party at his or her last known address as follows:

Name: _____
Address: _____
City: _____ State: _____ ZIP Code: _____

My signature: _____

Notice to the Applicant: You *must* file this form at the district court clerk's office if you ask the court for a final Decree for Modification of Child Support Only by default.

FL-17.327 REQUEST FOR RELIEF IN AN APPLICATION TO MODIFY CHILD SUPPORT ONLY

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where the Application was filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the application)*

VS

RESPONDENT *(As it is in the application)*

Equity case number:

**Request for Relief in an
Application to Modify
Child Support Only
(CLERK STAMPS HERE)**

C. PERSONAL INFORMATION

1. Mother: _____
(Name)

_____ *(Present street address)* _____ *(City)* _____ *(State)* _____ *(ZIP Code)*

_____ *(County)* _____ *(Year of birth)*

2. Father: _____
(Name)

_____ *(Present street address)* _____ *(City)* _____ *(State)* _____ *(ZIP Code)*

_____ *(County)* _____ *(Year of birth)*

3. Person -- other than a parent -- who is receiving child support in this case:

_____ *(Name)*

_____ *(Present street address)* _____ *(City)* _____ *(State)* _____ *(ZIP Code)*

_____ *(County)* _____ *(Year of birth)*

D. REQUEST FOR RELIEF

4. Child Support (Check all that are true and fill in the blanks for the ones you check.)

a. Child support should be raised from \$ _____ per month to \$ _____ per month beginning on the _____ day of _____, 20____ for (list the children and birth year):

<i>First, middle & last initials of each child</i>	<i>Year of birth</i>	<i>First, middle & last initials of each child</i>	<i>Year of birth</i>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

b. Child support should be lowered from \$ _____ per month to \$ _____ per month beginning on the _____ day of _____, 20____ for (list the children and birth year):

<i>First, middle & last initials of each child</i>	<i>Year of birth</i>	<i>First, middle & last initials of each child</i>	<i>Year of birth</i>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

c. Check here if you want child support to be higher or lower than the Child Support Guidelines amount. (If you check this, write the amount you want and explain why.)

- (1) Amount requested: \$ _____ per month
- (2) Why it should be different than the Guidelines amount: _____

d. Child support should be stopped beginning on the _____ day of _____, 20____, for (list the children and birth year):

<i>First, middle & last initials of each child</i>	<i>Year of birth</i>	<i>First, middle & last initials of each child</i>	<i>Year of birth</i>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

5. Tax dependency deduction (Check the one that is true; if you check c. -- fill in the blanks.)

- a. There is no court order at this time on tax dependency deduction.
- b. A court order currently says who gets the tax dependency deduction for the child or children and it should stay the same.
- c. A court order currently says who gets the tax dependency deduction for the child or children and it should be changed to the following:

	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>Parent who will now claim child for the tax deduction</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

If there are more than six children, attach an additional sheet with this information – and check this box.

6. Health care expenses (Check the one that is true.)

- a. There is no court order at this time on who pays health care expenses.
- b. A court order currently says who pays for health care expenses for the child or children and it should stay the same.
- c. A court order currently says who pays for health care expenses for the child or children and it should be changed to the following:

	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>Parent who should now provide health insurance coverage</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

If there are more than six children, attach an additional sheet with this information – and check this box.

(Fill in the blanks.)

I should pay _____% of the out-of-pocket health care expenses.

The other parent should pay _____% of the out-of-pocket health care expenses.

F. OATH AND SIGNATURE

I, _____, certify that on _____, 20____,
(Print your name) *(Month & day)* *(Year)*

I mailed or gave a copy of this form to all other parties and attorneys *(list the names)*:

I also certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read the "Request for Relief" above and it accurately states how I would like the court to address the issues in the Application to Modify Child Support Only. I ask that this document be presented to a judge for approval and filing with the court.

(Your signature - Required) _____

(Your mailing address - Required) *(City - Required)* *(State, ZIP Code - Required)*

(E-mail address - Optional) ()
(Fax number - Optional)

FL-17.328 SETTLEMENT AGREEMENT FOR AN APPLICATION TO MODIFY CHILD SUPPORT ONLY

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where the Application was filed)

B. UPON THE PETITION OF

PETITIONER *(As it is in the application)*

VS

RESPONDENT *(As it is in the application)*

Equity case number:

**Settlement Agreement for an
Application to Modify
Child Support Only
(CLERK STAMPS HERE)**

C. PERSONAL INFORMATION

1. Mother: _____
(Name)

(Present street address) (City) (State) (ZIP Code)

(County) (Year of birth)

2. Father: _____
(Name)

(Present street address) (City) (State) (ZIP Code)

(County) (Year of birth)

3. Person -- other than a parent -- who is receiving child support in this case:

(Name)

(Present street address) (City) (State) (ZIP Code)

(County) (Year of birth)

D. AGREEMENT

4. Child Support (Check all that are true and fill in the blanks for the ones you check.)

a. Child support should be raised from \$_____ per month to \$_____ per month beginning on the _____ day of _____, 20____ for (list the children and birth year):

<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

b. Child support should be lowered from \$_____ per month to \$_____ per month beginning on the _____ day of _____, 20____ for (list the children and birth year):

<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

c. Check here if you want child support to be higher or lower than the Child Support Guidelines amount. (If you check this, write the amount you want and explain why.)

- (1) Amount requested: \$_____ per month
- (2) Why it should be different than the Guidelines amount: _____

d. Child support should be stopped beginning on the _____ day of _____, 20____, for (list the children and birth year):

<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>
(1) _____	_____	(5) _____	_____
(2) _____	_____	(6) _____	_____
(3) _____	_____	(7) _____	_____
(4) _____	_____	(8) _____	_____

5. Tax dependency deduction *(Check the one that is true; if you check c. -- fill in the blanks.)*

- a. There is no court order at this time on tax dependency deduction.
- b. A court order currently says who gets the tax dependency deduction for the child or children and it should stay the same.
- c. A court order currently says who gets the tax dependency deduction for the child or children and it should be changed to the following:

	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>Parent who will now claim child for the tax deduction</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

If there are more than six children, attach an additional sheet with this information – and check this box.

6. Health care expenses *(Check the one that is true.)*

- a. There is no court order at this time on who pays health care expenses.
- b. A court order currently says who pays for health care expenses for the child or children and it should stay the same.
- c. A court order currently says who pays for health care expenses for the child or children and it should be changed to the following:

	<u>First, middle & last initials of each child</u>	<u>Year of birth</u>	<u>Parent who should now provide health insurance coverage</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

If there are more than six children, attach an additional sheet with this information – and check this box.

(Fill in the blanks.)

The mother should pay _____% of the out-of-pocket health care expenses.

The father should pay _____% of the out-of-pocket health care expenses.

7. Court Fees *(Check one.)*

- a. All court fees will be paid by the mother.
- b. All court fees will be paid by the father.
- c. Each parent shall pay one-half of the remaining court fees.
- d. Each parent shall pay one-half of the total court fees.

8. Attorney's Fee.

a. Mother's attorney's fees. *(Check one.)*

- (1) Mother has no attorney's fees
- (2) Mother will pay her own attorney's fees
- (3) Father will pay \$_____ for Mother's attorney's fees.

b. Father's attorney's fees. *(Check one.)*

- (1) Father has no attorney's fees
- (2) Father will pay his own attorney's fees
- (3) Mother will pay \$_____ for Father's attorney's fees.

9. Necessary Documents. We will sign and promptly deliver to each other any papers that may be needed to carry out this agreement.

10. Other Agreements *(Attach additional sheets if necessary.)*

11. Statements of Understanding and Fact *(Check all that apply.)*

- a. We have made a full disclosure of our income to the court.
- b. This Settlement Agreement addresses all issues in the application to modify child support only.
- c. We want this request to be approved by the court and made part of the final order.

E. ATTORNEY HELP

- 12. Mother** *(Check one.)*
- a. An attorney did not help me prepare or fill in this paper.
 - b. An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information.)*

<i>(Name of attorney or organization, if any)</i>	<i>(Attorney's P.I.N. # – Ask the attorney)</i>
<i>(Business address of attorney or organization)</i>	<i>(City)</i> <i>(State)</i> <i>(ZIP Code)</i>
()	()
<i>(Attorney's phone number – Required)</i>	<i>(Attorney's fax number, if there is one)</i>

- 13. Father** (Check one.) a. An attorney did not help me prepare or fill in this paper.
 b. An attorney helped me prepare or fill in this paper. (If you check b., you must fill in the following information.)

<i>(Name of attorney or organization, if any)</i>	<i>(Attorney's P.I.N. # – Ask the attorney)</i>
<i>(Business address of attorney or organization)</i>	<i>(City)</i> <i>(State)</i> <i>(ZIP Code)</i>
() <i>(Attorney's phone number – Required)</i>	() <i>(Attorney's fax number, if there is one)</i>

F. OATH AND SIGNATURE

This Settlement Agreement addresses all issues in the Application to Modify Child Support Only. We have made a full disclosure of our income to each other. We want this agreement to be approved by the court and made part of the final order.

Mother's Oath and Signature:

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read the "Settlement Agreement" above and it accurately states how I would like the court to address the issues in the Application to Modify Child Support Only. I know I have the right to talk to an attorney about this agreement. I am voluntarily signing this agreement. I am asking that this document be presented to a Judge for approval and filing with the court.

	<i>Mother's signature</i>
<i>Date signed</i>	<i>Mother's printed name</i>

Father's Oath and Signature:

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read the "Settlement Agreement" above and it accurately states how I would like the court to address the issues in the Application to Modify Child Support Only. I know I have the right to talk to an attorney about this agreement. I am voluntarily signing this agreement. I am asking that this document be presented to a Judge for approval and filing with the court.

	<i>Father's signature</i>
<i>Date signed</i>	<i>Father's printed name</i>

STOP! If the Child Support Recovery Unite (CSRU) is involved in this case, or if a person other than a parent receives child support in this case, he or she must sign this form (see below).

Signature of Person Other than a Parent:

Signature – Person other than parent

Date signed

Printed name

Signature of CSRU Representative:

Signature – CSRU representative

Date signed

Printed name

CHAPTER 34
RULES OF PROCEDURE OF THE IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD

Rule 34.1	Complaints
Rule 34.2	Form of complaint
Rule 34.3	Filing
Rule 34.4	Procedure
Rule 34.5	Board procedure
Rule 34.6	Notification of respondent—response
Rule 34.7	Failure to respond—notice—effect
Rule 34.8	Board actions upon receipt of response
Rule 34.9	Board action upon report and recommendation of investigator
Rule 34.10	Prior notice of witnesses
Rule 34.11	Hearing-meetings
Rule 34.12	Order for mental or physical examination or treatment
Rule 34.13	Deferral of further proceedings
Rule 34.14	Additional board duties
Rules 34.15 to 34.22	Reserved
Rule 34.23	Forms
	Form 1: Iowa Supreme Court Attorney Disciplinary Board Complaint Form

CHAPTER 34
RULES OF PROCEDURE OF THE IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD

Rule 34.1 Complaints. Complaints shall be accepted from any person, firm, or other entity alleging that a lawyer has committed a disciplinary infraction. The Iowa Supreme Court Attorney Disciplinary Board may, upon its own motion, initiate any investigation or disciplinary action.

[Court Order December 12, 1974; October 30, 1985, effective November 1, 1985; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 34.2 Form of complaint. Complaint forms, found in rule 34.23, shall be available to the public from the Iowa Supreme Court Attorney Disciplinary Board, the chair of the board, or the chair's designee. Complaints must be certified under penalty of perjury, except when filed by an officer of the court, and shall include whatever exhibits the complainant desires to submit.

[Court Order December 12, 1974; June 20, 1980; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 34.3 Filing. Complaints shall be filed, without charge, with the Iowa Supreme Court Attorney Disciplinary Board.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 34.4 Procedure.

34.4(1) Upon receiving a complaint, the assistant director for attorney discipline shall evaluate all information coming to his or her attention from the complaint or from any other sources alleging attorney misconduct or incapacity. The assistant director shall have the authority to decline to open an investigation of a complaint if the information, if true, would not constitute misconduct or incapacity, or if the complaint is facially frivolous, stale, lacking in adequate factual detail, duplicative, or outside the board's jurisdiction, or does not otherwise reasonably warrant investigation. The board may adopt policies to guide the assistant director in the exercise of this authority.

34.4(2) The board shall make a record indicating the date filed, the name and address of the complainant, the name and address of the respondent attorney, and a brief statement of the charges made. This record ultimately shall show the final disposition of the matter when it is completed.

34.4(3) The board shall keep all files confidential, unless otherwise provided or directed in writing by the chair of the board, or the chair's designee, for disciplinary purposes or by a specific rule of the supreme court. All such files shall be available for examination and reproduction, by the designated officer or agent of the Client Security Commission, pursuant to proceedings under chapter 39 of the Iowa Court Rules.

Any such files, except for the work product of staff counsel, investigators, or administrators of the board, shall be provided to the respondent within a reasonable time upon the respondent's request. For purposes of this rule, "work product" does not include a written statement signed or otherwise adopted or approved by the person making it or a contemporaneous and substantially verbatim transcript or recording of a person's oral statement.

34.4(4) A complaint declined pursuant to this rule shall not be deemed a complaint for any purpose. A complaint declined pursuant to this rule shall not be docketed under rule 34.4(2), nor shall it be reported or disclosed by the board or the respondent to any person or authority for any reason.

[Court Order December 12, 1974; November 2, 1981; October 30, 1985, effective November 1, 1985; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, and July 1, 2005, effective July 1, 2005; February 20, 2012; December 10, 2012]

Rule 34.5 Board procedure. Upon receipt of any complaint, the board shall notify the complainant in writing that the complaint has been received and will be acted upon or that pursuant to rule 34.4(1) no action will be taken.

[Court Order December 12, 1974; October 30, 1985, effective November 1, 1985; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; February 20, 2012]

Rule 34.6 Notification of respondent—response.

34.6(1) The board shall forward to the respondent a copy of the complaint and copies of chapters 34 and 35 of the Iowa Court Rules. However, if the complaint is declined pursuant to rule 34.4(1), the board shall not notify the respondent and no response shall be required.

34.6(2) The board may forward the complaint to the respondent by restricted certified mail, marked “Confidential,” to the respondent’s last address as shown by records accessible to the court or by personal service in the manner of an original notice in civil suits.

34.6(3) If service cannot be obtained pursuant to rule 34.6(2), the board may serve the complaint on the clerk of the supreme court who is appointed to receive service on behalf of lawyers subject to Iowa’s disciplinary authority. Iowa R. Prof’l Conduct 32:8.5 cmt. [1]. Service upon the clerk of the supreme court is deemed to be receipt of the complaint by the respondent. Simultaneously with serving a complaint on the clerk of the supreme court, the board shall forward the complaint to the respondent by restricted certified mail, marked “Confidential,” to the respondent’s last address as shown by records accessible to the court, and the board shall file with the clerk of the supreme court an affidavit attesting that it has done so.

34.6(4) The respondent is required to provide a written response within 20 days of receipt of the complaint.

[Court Order December 12, 1974; May 13, 1983; October 30, 1985, effective November 1, 1985; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; February 20, 2012]

Rule 34.7 Failure to respond—notice—effect.

34.7(1) *Failure to respond—separate ethical violation.* If after 20 days no response has been received, the respondent shall be notified by restricted certified mail that unless a response is made within 10 days from receipt of notice, the board may file a complaint with the Grievance Commission of the Supreme Court of Iowa for failure to respond, and concerning all or any portion of the matter about which the original complaint was made. If service cannot be obtained by restricted certified mail, the board may serve the notice on the clerk of the supreme court who is appointed to receive service on behalf of attorneys subject to Iowa’s disciplinary authority. Iowa R. of Prof’l Conduct 32:8.5 cmt. [1]. Service upon the clerk of the supreme court is deemed to be receipt of the notice by the respondent.

34.7(2) *Enlargement of time to respond.* The board may grant an enlargement of time to respond under rule 34.6 or 34.7(1) for good cause shown.

34.7(3) *Failure to respond—temporary suspension.* If a response is not provided within 10 days of receipt of the notice issued pursuant to rule 34.7(1) or within the time allowed under rule 34.7(2), the board shall certify the respondent’s failure to respond to the clerk of the supreme court.

a. Upon receipt of the board’s certificate, the clerk shall issue a notice to the attorney that the attorney’s license to practice law will be temporarily suspended unless the attorney causes the board to file a withdrawal of the certificate within 20 days of the date of issuance of the clerk’s notice.

b. If the attorney responds to the complaint within the 20-day period, the board shall immediately withdraw the certificate and no suspension shall occur.

c. If the board has not withdrawn the certificate and the 20-day period expires, the court shall enter an order temporarily suspending the attorney’s license to practice law in the state of Iowa.

d. If the attorney responds to the complaint after a temporary suspension order is entered, the board shall, within 5 days of receiving the response, either withdraw the certificate or file with the supreme court a report indicating that the attorney has responded, but stating cause why the attorney’s license should not be reinstated and the suspension should be continued under the provisions of Iowa Ct. R. 35.4, 35.14, or 35.16.

e. If the board seeks to continue the suspension under the provisions of Iowa Ct. R. 35.4, 35.14, or 35.16, the supreme court shall either reinstate the attorney or enter an appropriate order under the applicable rule.

f. If the board files a withdrawal of the certificate after temporary suspension of the attorney’s license, the supreme court shall immediately reinstate the attorney’s license to practice law if the attorney is otherwise eligible under the rules of the court.

g. During the initial 30 days of a temporary suspension under this rule, the attorney shall give the notice required by Iowa Ct. R. 35.22 to those clients whose interests may be adversely affected by the attorney’s suspension.

h. When the suspension period under this rule exceeds 30 days, the attorney shall comply with the requirements of Iowa Ct. R. 35.23 as to all clients.

i. An attorney whose license is suspended under the provisions of rule 34.7(3)(c) shall pay a fee of \$100.00 as a condition precedent to reinstatement.

[Court Order December 12, 1974; November 16, 1984, effective November 26, 1984; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; April 25, 2008; February 20, 2012]

Rule 34.8 Board actions upon receipt of response.

34.8(1) Upon receipt of a response, the board shall do one of the following:

- a.* Dismiss the complaint, and so notify the complainant and the respondent in writing.
- b.* Cause the case to be docketed for consideration by the board at its next hearing-meeting.
- c.* Arrange for investigation of the complaint either by the board's counsel or a local bar association as the chair, or the chair's designee, deems appropriate.

(1) All investigations done by a person or entity other than the board's counsel or its in-house staff shall be done in a manner as directed and under the supervision of the board.

(2) The results of the investigation shall be forwarded to the board along with any recommendation for final action by the board.

34.8(2) The board shall have subpoena power during any investigation conducted on its behalf to compel the appearance of witnesses or the production of documents before the person designated to conduct the investigation on behalf of the board.

34.8(3) The board chair, or other board member in the absence of the chair, shall have authority to issue a subpoena.

34.8(4) The district court for the county in which the investigation is being conducted shall have jurisdiction over any objection or motion relating to a subpoena and authority to punish disobedience of a subpoena in a contempt proceeding.

34.8(5) Counsel for the board or any other person authorized to administer oaths shall have authority to administer an oath or affirmation to a witness.

[Court Order December 12, 1974; October 30, 1985, effective November 1, 1985; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; December 17, 2002; April 20, 2005, effective July 1, 2005]

Rule 34.9 Board action upon report and recommendation of investigator. When the report and recommendation of the investigator is returned to the board, the board shall do one of the following:

34.9(1) Dismiss the complaint, and so notify the complainant and the respondent.

34.9(2) Cause the case to be docketed for consideration by the board at its next hearing-meeting.
[Court Order December 12, 1974; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 34.10 Prior notice of witnesses. If any witness or party is required to give testimony before the board, such person shall be given at least seven days' written notice in advance of the hearing-meeting at which the witness or party is requested to attend and testify.

[Court Order December 12, 1974; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 34.11 Hearing-meetings. Hearing-meetings shall be held at least quarterly and may be held telephonically. A majority of the board shall constitute a quorum. The chair, or the chair's designee, shall see to the preparation of a record of such meetings which shall become a part of the permanent files of the supreme court. Any evidence taken shall be under oath or affirmation and may be made of record. Upon completion of the consideration of any matter before the board, the members, by majority vote of those present, shall do one of the following:

34.11(1) Continue the matter.

34.11(2) Dismiss the complaint and notify the complainant and the respondent.

34.11(3) Admonish the lawyer, who shall be notified in writing that the lawyer has 30 days from the date of mailing thereof to file exceptions with the administrator of the board, who shall then refer the admonition to the board, which may dismiss, admonish, reprimand, or file a formal complaint

with the grievance commission. In cases of admonition, the board shall notify the complainant of the board's opinion concerning the matter and its communication with the lawyer involved.

34.11(4) Reprimand the lawyer and file the reprimand as provided in Iowa Ct. R. 35.3.

34.11(5) File a complaint before the Grievance Commission of the Supreme Court of Iowa and prosecute the complaint to final determination.

[Court Order December 12, 1974; October 20, 1982; February 9, 1983; October 30, 1985, effective November 1, 1985; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005]

Rule 34.12 Order for mental or physical examination or treatment.

34.12(1) *Order requiring examination or treatment.* An attorney who is licensed to practice law in the state of Iowa is, as a condition of licensure, under a duty to submit to a mental or physical examination or subsequent treatment as ordered by the Iowa Supreme Court Attorney Disciplinary Board. The board may order the examination or treatment based upon a showing of probable cause to believe the attorney is suffering from a condition that currently impairs the attorney's ability to discharge professional duties. The board may order that the examination or treatment be at the attorney's expense.

34.12(2) *Show cause hearing.* Before the board may order an attorney to submit to examination or treatment, it shall schedule a hearing to permit the attorney to show cause why the order should not be entered. At least three members of the board shall participate in the hearing. At the hearing, the board's staff counsel shall first present evidence of probable cause supporting the need for evaluation or treatment. The attorney may then respond to the board's showing and rebut the board's claim that the evaluation or treatment is necessary. The hearing shall be informal and rules of evidence shall not be strictly applied. Following the hearing, the board, by majority vote, shall either dismiss the matter or enter an order requiring the examination or treatment.

34.12(3) *Content of order.* The board's order for mental or physical examination or treatment shall include all of the following terms:

- a. A description of the type of examination or treatment to which the attorney must submit.
- b. The name and address of the examiner or treatment facility that the board has identified to perform the examination or provide the treatment.
- c. The time period in which the attorney must schedule the examination or enter treatment.
- d. The amount of time in which the attorney is required to complete the examination or treatment.
- e. A requirement that the attorney cause a report or reports of the examination or treatment results to be provided to the board within a specified period of time.
- f. A requirement that the attorney communicate with the board regarding the status of the examination or treatment.
- g. A provision allowing the attorney to request additional time to schedule or complete the examination or to request that the board approve an alternative examiner or treatment facility. The board shall, in its sole discretion, determine whether to grant such a request.

34.12(4) *Review.* An attorney who disagrees with the board's order may seek review from the supreme court. The attorney may do so by filing nine copies of a petition for review with the clerk of the supreme court and serving one copy of the petition on the board within seven days after receipt of the board's order. The board may file nine copies and serve one copy of a response to the petition within seven days after service of the petition. The matter shall be promptly set for hearing before one or more justices of the supreme court. The board's order is stayed upon the filing of the petition for review.

34.12(5) *Hearing.* At the hearing on the petition, the board shall present evidence of probable cause supporting its order and the necessity for the evaluation or treatment. The attorney may then respond to the board's showing and rebut the board's claim that the evaluation or treatment is necessary. The hearing shall be informal and rules of evidence shall not be strictly applied. Following the hearing, the court may affirm, vacate, or modify the board's order or may enter such order as the circumstances warrant.

34.12(6) *Failure to submit.* The failure of an attorney to submit to the evaluation or treatment ordered by the board under this rule may be grounds for discipline through the normal disciplinary process.

34.12(7) *"Condition."* For purposes of this rule, "condition" means any physiological, mental or psychological condition, impairment or disorder, including drug or alcohol addiction or abuse.

34.12(8) Confidentiality. All records, papers, proceedings, meetings, and hearings filed or conducted under this rule shall be confidential, unless otherwise ordered by the supreme court. [Court Order April 20, 2005, effective July 1, 2005]

Rule 34.13 Deferral of further proceedings.

34.13(1) Deferral. With the agreement of the board's administrator and the attorney, the board may determine to defer further proceedings pending the attorney's compliance with conditions imposed by the board for supervision of the attorney for a specified period of time not to exceed one year unless extended by the board prior to the conclusion of the specified period. Proceedings may not be deferred under any of the following circumstances:

- a. The conduct under investigation involves misappropriation of funds or property of a client or a third party.
- b. The conduct under investigation involves a criminal act that reflects adversely on the attorney's honesty, trustworthiness, or fitness as a lawyer in other respects.
- c. The conduct under investigation resulted in or is likely to result in actual prejudice (loss of money, legal rights or valuable property rights) to a client or other person, unless restitution is made a condition of deferral.
- d. The attorney has previously been disciplined or has been placed under supervision as provided in this rule.
- e. The attorney has failed to respond to the board's notices of complaint concerning the conduct under investigation.

34.13(2) Conditions. In imposing such conditions, the board shall take into consideration the nature and circumstances of the conduct under investigation by the board and the history, character and condition of the attorney. The conditions may include, but are not limited to, the following:

- a. Periodic reports to the diversion coordinator and the board's administrator.
- b. Supervision of the attorney's practice or accounting procedures.
- c. Satisfactory completion of a course of study.
- d. Successful completion of the Multistate Professional Responsibility Examination.
- e. Compliance with the provisions of the Iowa Rules of Professional Conduct.
- f. Restitution.
- g. Psychological counseling or treatment.
- h. Substance abuse or addiction counseling or treatment.
- i. Abstinence from alcohol or drugs.
- j. Cooperation with the Iowa Lawyers Assistance Program.
- k. Fee arbitration.

34.13(3) Affidavit. Prior to the board's deferral of further proceedings, the attorney shall execute an affidavit setting forth all of the following:

- a. An admission by the attorney of the conduct under investigation by the board.
- b. The conditions to be imposed by the board for supervision of the attorney, including the period of supervision.
- c. The attorney's agreement to the conditions to be imposed.
- d. An acknowledgement that the attorney understands that, should the attorney fail to comply with the conditions imposed by the board, a formal complaint may be filed with the grievance commission, both for the matters raised in the original complaint to the board and for the attorney's failure to cooperate with the conditions of supervision.
- e. A statement that, if the attorney fails to cooperate with the conditions of supervision, the admissions by the attorney with respect to the attorney's conduct may be introduced as evidence in any subsequent proceedings before the grievance commission.
- f. An acknowledgement that the attorney joins in the board's deferral determination freely and voluntarily and understands the nature and consequences of the board's action.

34.13(4) Supervision. The diversion coordinator shall be responsible for supervising the attorney's compliance with the conditions imposed by the board. Where appropriate, the diversion coordinator may recommend to the board modifications of the conditions and shall report to the board the attorney's failure to comply with the conditions or to cooperate with the diversion coordinator.

34.13(5) Compliance. Upon the attorney's successful compliance with the conditions imposed by the board, the board shall dismiss or close the investigations pending before it at the time it determined to defer further proceedings. The attorney will not be considered to have been disciplined,

but the attorney's admission of misconduct may be considered in imposing sanctions in a subsequent disciplinary matter not arising out of the same conduct.
[Court Order April 20, 2005, effective July 1, 2005]

Rule 34.14 Additional board duties.

34.14(1) The board may authorize participation and directory listing by Iowa lawyers in an organization or association of lawyers engaged in a particular area of practice, as provided in Iowa Rule of Professional Conduct 32:7.7(c)(2), and may revoke such authorization at any time for any reasons it deems appropriate. Authorization shall not be granted unless all of the following facts have been established to the satisfaction of the board:

a. All Iowa participants have complied with the requirements of Iowa Rule of Professional Conduct 32:7.4.

b. Participation is based upon meeting stated high standards of professionalism and competence in the area of practice.

c. The organization or association regularly conducts training or professional learning and exchange concerning the area of practice involved.

d. Neither the organization or association nor anyone other than the Iowa lawyer has any part in or share in the conduct or practice of law in the area of practice of law involved and does not participate in any way in fees charged by the Iowa participant.

34.14(2) The board shall approve a reporting form for legal services plans as contemplated by Iowa Rule of Professional Conduct 32:7.7(d)(4)(x). The legal service plan shall be required to report the terms of its plan, its schedule of benefits, its subscription charges, agreements with counsel, and financial results of its legal service activities. If it appears from such annual report or any other source that the organization is not operating in accordance with the rules of the supreme court and the Iowa Rules of Professional Conduct, such facts shall be reported by the board to the court for such action as the supreme court may deem appropriate.

34.14(3) The board may approve organizations through which attorneys can be certified as specialists in particular fields of law.

34.14(4) The board shall retain copies of written solicitations and direct or e-mail communications which attorneys are required to file with the board pursuant to Iowa R. Prof'l Conduct 32:7.3.

[Court Order April 20, 2005, effective July 1, 2005]

Rules 34.15 to 34.22 Reserved.

Rule 34.23 Forms.**Rule 34.23 — Form 1: Iowa Supreme Court Attorney Disciplinary Board Complaint Form.**

THE IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD
Complaint Form

(Complete a separate form for each attorney about whom you are complaining.)

1. **Your name:** _____ **Email Address:** _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone: Home _____ ; **Cell** _____ ; **Business** _____

2. **Name of attorney** about whom you are complaining: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____ **Telephone:** _____

3. Did you hire the attorney (yes or no)? _____ If yes, when did you hire the attorney? _____

If no, what is your connection to the attorney? _____

4. If your complaint is about a lawsuit or court case, answer the following:

a. Name of court (examples: Iowa District Court for Polk County; United States District Court for Northern District of Iowa) _____

b. Case title (examples: Smith vs. Jones; State vs. Doe) _____

c. Case no. _____

5. Type or write neatly on one or more separate sheets of paper a detailed factual statement of what the attorney did or did not do. Return the sheet(s) with this form. **Write on only one side of the complaint form and the additional sheets of paper.** Please attach copies of documents that prove or help to explain your complaint, such as fee agreements, letters, checks, receipts, itemized billings, and court papers. **Send only copies, not original documents, as we are not able to return your documents to you.**

In filing this complaint, you are waiving confidentiality and attorney-client privileges, if any, between you and the attorney named above. This waiver allows the attorney to disclose your confidential information to the extent reasonably necessary to respond to the complaint.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the allegations of this complaint are true and correct.

Date _____ Signature _____

Send the completed form to: Iowa Supreme Court Attorney Disciplinary Board
 Judicial Branch Building
 1111 East Court Avenue
 Des Moines, IA 50319
 Telephone: (515) 725-8017

[Court Order June 23, 1975; March 6, 1987, effective May 1, 1987; December 28, 1989, effective February 15, 1990; December 15, 1994, effective January 3, 1995; December 9, 1997; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; February 20, 2012]