Approved Iowa Court Forms & Instructions for a ***RESPONDENT*** *in a Divorce That Does Not Involve Minor Children*

Provided by the Iowa Supreme Court and Office of State Court Administration, Des Moines, IA.

- **You are the RESPONDENT if your spouse filed the first paper in court (a Petition for Dissolution of Marriage) to start a divorce case and delivered a copy to you.**

- **You must use these forms if ALL these statements are true:**
  - **You are getting a divorce.**
  - **You do not have minor children.**
  - **You do not have children age 18 years or older who still need your support. (For example: they are in college or they have a physical handicap(s) and you financially support them.)**
  - **You have not hired an attorney to help you with the divorce.**

- **Carefully read the forms and instructions. They provide all the information you are likely to need to obtain a divorce.**

- **After you read the instructions, if you still do not understand how to fill in or what to do with a form, you should contact an attorney.**

- **Clerks and other court staff are not authorized to answer questions about these forms.**

A GUIDE TO REPRESENTING YOURSELF IN AN IOWA DIVORCE CASE: FOR SPOUSES WITH NO MINOR CHILDREN

- **If you represent yourself (without an attorney) in a divorce case – and you do not have minor children – you <u>must</u> use the <u>court-approved forms</u> identified in this Guide.**

- If you have minor children, you <u>cannot</u> use the forms identified in this Guide. The forms also are not recommended for people who own a business, a lot of investments, or a lot of real estate.

- **Read this Guide carefully.** Even if you both agree to get divorced and how to divide your property, you must still go through several steps in the court process to get divorced. This Guide will help you get through each step.

- **You are not divorced until a judge signs a final "Decree of Dissolution of Marriage.**"

- If you are still uncertain what to do after reading this Guide, you should talk with an attorney. An attorney can help you with all or just some of the steps in a divorce case.

- The term "**dissolution of marriage**" means the same thing as "divorce." The "**Petitioner**" is the spouse who files the first paper (a Petition) to start a divorce case. The other spouse is the "**Respondent**." You keep these titles for the rest of your divorce case. The Petitioner and Respondent are also called the "**parties**" in the case. Part **F.** of this Guide defines many other legal terms you should know.

- On page 3 of this Guide is a list of forms approved by the Iowa court system. You can get them from:
  - The district court clerk's office in each county (see part **G.** in this guide) – OR –
  - The Iowa court system's website at**:** www.judicial.state.ia.us/Self_Help/

- Carefully read the specific instructions for each form. You should also read: *Tips on Handling Your Own Case in Iowa's Courts.* It is available from the district court clerk or the state court website (see above).

- If you want alimony, a share of your spouse's pension, or other property -- you must ask for it during the court process. You cannot get it after a judge signs your final divorce Decree.

- Whenever you file a paper at the district court clerk's office, you must deliver a copy of that paper to your spouse or your spouse's attorney. You should also keep a copy for yourself. The only ***<u>exception</u>*** is the Confidential Information Form (**FL-103**). *Do not give a copy of it to your spouse.*

- It is illegal to sign another person's signature on any court form or other legal paper.

- **IMPORTANT: Court staff cannot give you legal advice.** They can give you a set of court forms and the written instructions for those forms. Almost everything else is up to you.

- The divorce laws in Iowa are in Chapter 598 of the *Code of Iowa*. You can find the *Code of Iowa* in public libraries – OR – at: www.legis.state.ia.us/IowaLaw.html (click on "Merged Iowa Code and Supplement).

- **Form numbers:** The official court forms are in Chapter 17 of the Iowa Court Rules. The official form numbers include three parts. For example, the "Petition for Dissolution of Marriage With No Minor Children" is form "**FL-17.101**." The **FL** stands for "Family Law;" **17** stands for Chapter 17 of the Iowa Court Rules; **101** is the actual form number. To make it somewhat easier to use, the Guide does <u>not</u> include the **17** in the form numbers. In this Guide, for example, the Petition for Dissolution of Marriage With No Minor Children is **FL-101**.

- **See the <u>Table of Contents</u> for the Guide on the next page.**

A Guide to Representing Yourself in an Iowa Divorce Case:
For Spouses With No Minor Children

TABLE OF CONTENTS

Page	
3	LIST OF APPROVED COURT FORMS FOR A DIVORCE WITH NO MINOR CHILDREN
4	A. HOW TO BEGIN A DISSOLUTION OF MARRIAGE (DIVORCE) WITH NO MINOR CHILDREN
7	B. WHAT TO DO IF YOUR SPOUSE HAS FILED FOR DIVORCE AND YOU HAVE RECEIVED THE DIVORCE PAPERS
8	C. WHAT YOU SHOULD DO DURING THE 90-DAY WAITING PERIOD FOR GETTING A FINAL DIVORCE DECREE
10	D. HOW TO GET A FINAL DIVORCE DECREE
13	E. THINGS YOU MIGHT HAVE TO DO AFTER A JUDGE SIGNS THE DIVORCE DECREE
13	F. TERMS USED IN THE DIVORCE PROCESS
17	G. DISTRICT COURT CLERKS' OFFICES IN EACH COUNTY IN IOWA

LIST OF APPROVED COURT FORMS & INSTRUCTIONS TO HELP SELF-REPRESENTED PARTIES WITH NO MINOR CHILDREN GET A DIVORCE DECREE IN IOWA*

Before Using Any Iowa Court Forms Listed Below,
Read this "Guide" and "Tips on Handling Your Own Case in Iowa's Courts"

Forms a Petitioner can use to start the divorce process:

Form number ("FL" stands for "Family Law")

FL-101*	**Petition for Dissolution of Marriage With No Minor Children**
FL-102*	**Coversheet for a Petition for Dissolution of Marriage With No Minor Children**
FL-103	**Confidential Information Form**
FL-104*	**Original Notice for Personal Service**
FL-105*	**Acceptance of Service of Original Notice**
FL-106*	**Directions for Service of Original Notice**
FL-107*	**Motion and Affidavit to Serve by Publication** – Use if you cannot find your spouse to deliver a copy of the Petition (FL-101) and Original Notice (FL-104) by mail or in-person.
FL-108*	**Original Notice by Publication** – Use if you cannot find your spouse to deliver a copy of the Petition (FL-101) and Original Notice (FL-104).
FL-109*	**Application and Affidavit to Defer Payment of Costs --** Optional: Use if you cannot afford to pay the court filing fees.

Forms a Respondent can use to answer the Petition:

FL-115*	**Answer to Petition for Dissolution of Marriage With No Minor Children** -- Use this if the Petitioner uses FL-101.
FL-116*	**General Answer** – Use this if Petitioner does **not** use form FL-101.

Forms either the Petitioner or Respondent can use to get a final divorce Decree:

FL-122*	**Motion** -- Optional; use this to ask a judge to take some action in your case. See the instructions for this form.
FL-123*	**Response to a Motion** -- Use this if your spouse files a Motion (FL-122) and you disagree with something your spouse is asking for in the Motion.
FL-124*	**Financial Affidavit –** Each party (Petitioner and Respondent) must fill out one of these. If the Respondent does not fill one in, the Petitioner can get a final Divorce decree by default.
FL-125	**Affidavit of Mailing Notice** -- 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.
FL-126	**Notice of Intent to File a Written Application for Default Decree --** Petitioner uses this if the Respondent has not filed an Answer to the Petition and the Petitioner wants to ask the court for a final divorce Decree.
FL-127*	**Request for Relief (Final Decree) in Dissolution of Marriage With No Minor Children** If a Petitioner is getting a final divorce Decree by default – just the Petitioner fills this in. If the spouses will be going to trial to get a final divorce Decree -- each spouse should fill in one of these.
FL-128*	**Settlement Agreement for Dissolution of Marriage With No Minor Children** (Use this if both parties agree how to divide property, assets, and debts.)

*Includes a specific set of instructions

A. HOW TO BEGIN A DISSOLUTION OF MARRIAGE (DIVORCE) WITH NO MINOR CHILDREN

1. Petitioner must fill in and sign the forms required to start the divorce process.

- You can get the forms you need from the district court clerk's office in your county. (See part **G.** at the end of this guide for the addresses and phone numbers of the district court clerk's office in each county in Iowa.) You can also get the forms and instructions from the Iowa court system's website at: www.judicial.state.ia.us/Self_Help/

- Carefully read the specific instructions for each form. If you don't understand something, you should contact an attorney. *Do not contact court staff.*

- Type or print clearly on each form. You should use a blue ink pen to sign each form (if possible).

Here is a list of the four forms a self-represented Petitioner *must* use to start the divorce process:

Form Number ("FL" stands for "Family Law")

FL-101*	**Petition for Dissolution of Marriage With No Minor Children**
FL-102*	**Coversheet for a Petition for Dissolution of Marriage With No Minor Children**
FL-103	**Confidential Information Form** *(Do not give a copy to your spouse.)*
FL-104*	**Original Notice for Personal Service**

*NOTE: Each form with an asterisk [*] includes a specific set of instructions.

The district court clerk in your county can tell you what the filing fee will be. If you believe you cannot afford the court filing fee, the court might allow you to postpone your payment of the fee. To ask the court to postpone (defer) payment of the filing fee, fill in and file form **FL-109** (see below).

FL-109*	**Application and Affidavit to Defer Payment of Costs --** Optional: Use this if you cannot afford to pay the court filing fees.

*Includes a specific set of instructions

2. Make photocopies of the forms you filled in.

- **FL-101 and FL-104:** 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. (See step 4, below.)
- **FL-102** and **FL-103**: You do not have to make photocopies of these forms.

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 district court clerk's office. It's cheaper to make the copies at a business that makes photocopies or at a public library.

3. Take the original forms you filled -- and photocopies -- to the district court clerk's office in your county. (See part **H.** of this guide for the addresses of the district court clerks' offices.)

- Tell the clerk at the counter you are filing a Petition for a divorce.
- Give the clerk at the counter the original forms and the photocopies of these forms:
  - **FL-101** Petition for Dissolution of Marriage (Divorce) With No Minor Children
  - **FL-102** Coversheet for a Petition for Dissolution of Marriage With No Minor Children
  - **FL-103** Confidential Information Form (*Do not make copies of this form*)
  - **FL-104** Original Notice

- Pay the filing fee – or file form **FL-109**. (See above.) The clerk at the counter can tell you the amount of the filing fee. (See the term "Fees" in part **F.** of this guide for a list of the fees you might have to pay during the divorce process.)

- The district court clerk will sign the Original Notice form (**FL-104**). You will have to serve this form on (deliver it to) your spouse. (See step 4, below.)

- The clerk at the counter will time-stamp each of the copies (original and photocopies).

- Ask the clerk at the counter for a "Report of Dissolution of Marriage or Annulment Form." Fill in the form, but leave lines 14, 15, and 16 blank for the district court clerk to complete. Give the form back to the clerk at the counter.

4. Serve (deliver) the Original Notice (FL-104) and a copy of the Petition (FL-101) on your spouse. Then file your "proof of service." (This is a paper that proves you delivered the Original Notice to your spouse.)

IMPORTANT: Petitioner has 90 days after filing the Petition at the district court clerk's office to serve the Petition on the Respondent (Petitioner's spouse). If Petitioner fails to meet this deadline the dissolution of marriage case will be dismissed.

The way you do step 4 depends on whether you know where your spouse is:

a. If know where your spouse is, you have two options for completing step 4:

- **Option 1:** You can hand the forms to your spouse yourself – or send the forms to your spouse by regular mail. You must also get your spouse to sign an "Acceptance of Service" form (**FL-105**; see below). After your spouse signs the Acceptance of Service form, you must:
  - Make a photocopy of the Acceptance of Service form for your records – and –
  - Take the original Acceptance of Service form (the one signed by your spouse) to the district court clerk's office. This meets the requirement for "proof of service."

FL-105*	**Acceptance of Service of Original Notice** – Petitioner uses this when Petitioner personally delivers the Original Notice and a copy of the Petition to the Respondent and the Respondent is willing to sign the "Acceptance of Service" form.

*Includes a specific set of instructions

- **Option 2:** You can ask the county sheriff or other civil process server to serve the forms on your spouse. (**Note**: If you filed an Application & Affidavit to Defer Costs (**FL-109**) and the court approved it, you *must* have the county sheriff serve the forms.)

If you choose option 2, you must fill in two forms: **FL-104** and **FL-106** (see below)

FL-106*	**Directions for Service of Original Notice** – Use this if you know where your spouse lives or works, but you want the county sheriff or other civil process server to deliver the divorce Petition (**FL-101**) and Original Notice (**FL-104**) to your spouse.

*Includes a specific set of instructions

- Give the county sheriff or other process server two copies of the:
  - Original Notice (**FL-104**),
  - Petition (**FL-101**), and
  - Directions for Service (**FL-106**).
- Tell him or her to deliver the Original Notice and Petition to your spouse.

- The sheriff or other process server will file the "proof of service" with the district court clerk after you pay the service fee. If the court granted your Application to Defer Costs (**FL-109**), the county sheriff *must* be the one who delivers the forms to your spouse.

b. **<u>If you do not know where your spouse is</u>,** you can ask the court for permission to give notice to your spouse by publication in a newspaper.

- A court will give a Petitioner permission to give notice by publication in a newspaper only if the Petitioner has tried several ways to find his or her spouse. Some steps you can take to find your spouse include:
  - Contacting your spouse's parents, brothers, sisters, friends, former employer, or people she or he used to work with.
  - Checking local or area phone books, or phone books where you think your spouse might be living.
  - Searching for your spouse in telephone directories on the internet. If you do not know how to do this, go to your local library and ask a librarian for help.
  - Contacting an attorney to help you.

  - If you cannot find your spouse, you should mail a copy of the Original Notice (**FL-104**) and the Petition (**FL-101**) to your spouse's last know address. You *<u>must</u>* do this to get a divorce Decree by default. (See part **D.1.** and form **FL-125** below.)

- If you cannot find your spouse after taking these steps, you can ask the court for permission to serve notice by publication in a newspaper. To do this, you *must* fill in and file this form:

FL-107*	**Motion and Affidavit to Serve by Publication** – Use this if you cannot find your spouse. With this form you will ask the court's permission to serve Notice by Publication in a newspaper.

*Includes a specific set of instructions

  - Make two photocopies of the form.
  - Take the original and both copies to the district court clerk's office.
  - The clerk at the counter will time-stamp the original and photocopies.
  - The clerk will keep the original and give the copies back to you.
  - Mail one copy of the form to your spouse's last-known address.
  - Keep one copy for your records.

  - The court might schedule a hearing on your Motion and Affidavit. The district court clerk's office will mail you a notice of the date and time for the hearing. You must attend the hearing. Follow the advice in *Tips on Handling Your Own Case in Iowa's Courts.*

  - Note: Using form **FL-107** does not guarantee that a judge will let you serve notice by publication in a newspaper.

- If the judge signs an Order allowing you to publish the Notice in a newspaper you should fill out form **FL-108** (see below) and take it to a newspaper.

FL-108*	**Notice by Publication** – Use this if you cannot find your spouse to deliver a copy of the Petition (**FL-101**) and Original Notice (**FL-104**).

*Includes a specific set of instructions

  - ***Important:*** You must closely follow the specific instructions for **FL-108** to publish the Notice by Publication in the newspaper.

B. WHAT TO DO IF YOUR SPOUSE HAS FILED FOR DIVORCE AND YOU HAVE RECEIVED THE DIVORCE PAPERS

1. Carefully read the papers served on you (a divorce Petition and Original Notice)

- It is very important that you read the papers carefully so you understand what your spouse (the **Petitioner**) is asking for in the Petition. You (the **Respondent**) might also receive other papers (court "orders") that tell you things you must do as part of the divorce process. Examples of these orders are:
  - Setting the date for the pretrial conference,
  - Requiring each spouse to give financial or other information to the other spouse, or
  - Requiring attendance at mediation (in some counties)

2. Get an Answer form, fill it in, and make two photocopies.

- Within 20 days after receiving a copy of the Petition and Original Notice, you must file an Answer to the Petition at the district court clerk's office. You can get the forms you need by contacting the district court clerk's office in your county – or – from the Iowa court system's website at:
  www.judicial.state.ia.us/Self_Help/

- Almost every form comes with a specific set of instructions. You should *carefully read the instructions* for filling in the form. If you still don't understand something after reading the instructions, you should contact an attorney.

- Respondent should use one of these forms to answer the Petition:

FL-115*	**Answer to Petition for Dissolution of Marriage (Divorce) With No Minor Children** -- Use this to file an Answer if you received Petition form **FL-101** from your spouse (the Petitioner).
FL-116*	**General Answer --** Use this if you received a divorce Petition from your spouse, but it was **not** form **FL-101**.

*Includes a specific set of instructions

- Decide which form you need. Then do the following:
  - Fill out the form. Print clearly.
  - Sign the form using blue ink (if possible).
  - Make two photocopies of the original.

3. Take your original Answer form and the photocopies to the district court clerk's office in the county where the Petition was filed. (The county is listed at the top of the Petition form.)

- The clerk will time-stamp your forms and copies.
- The clerk will take the original one and give the copies back to you.
- Keep one of the copies for your records.

4. Serve one of the copies of your Answer on your spouse.

- You can hand one of the copies of the Answer form to your spouse (the Petitioner) – OR – mail a copy to your spouse at the address shown on the Petition.
- If your spouse has an attorney, mail a copy to the attorney at the attorney's address on the Petition. You can also take a copy to the attorney's office at the address on the Petition.

C. WHAT YOU SHOULD DO DURING THE 90-DAY WAITING PERIOD FOR GETTING A FINAL DIVORCE DECREE

1. 90-Day Waiting Period

Under Iowa law, there is a waiting period of 90 days before a judge can sign the final divorce Decree. The 90 days usually begins on the latest of the following dates:

- When the Petition and Original Notice are served on the Respondent by a sheriff our civil process server – OR –
- When you file the Acceptance of Service (**FL-105**) at the district court clerk's office – OR –
- If Petitioner serves notice by publication in a newspaper, the 90-day waiting period begins 20 days after the final (third) date of publication in the newspaper.

In some situations, this 90-day waiting period may be shortened if you file a Motion (**FL-122**) and explain to the court why you think the waiting period should be shortened in your case. Judges will require a very good reason for shortening the waiting period.

Here is a list of forms that either the Petitioner or Respondent can use during the 90-day waiting period to complete the steps necessary to get a final divorce Decree.

FL-122*	**Motion** – Use this to ask the court to do something in your case (optional); see instructions for this form.
FL-123*	**Response to a Motion** -- Use this if your spouse filed a Motion (**FL-122**) and you disagree with something your spouse is asking for in the Motion.
FL-124*	**Financial Affidavit --** Each spouse *must* fill out one of these forms (required).
FL-125	**Affidavit of Mailing Notice** -- 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.
FL-126	**Notice of Intent to File a Written Application for Default Decree --** Petitioner uses this form if the Respondent is "in default" --- which means he or she has not filed an Answer to the Petition and Petitioner wants to ask the court to sign a final divorce Decree.
FL-127*	**Request for Relief (Final Decree) in Dissolution of Marriage With No Minor Children** -- Either spouse can use this. Usually the Petitioner uses this if the Respondent has not filed an Answer to the Petition and the Petitioner wants to move forward and ask the court to sign a final divorce Decree.
FL-128*	**Settlement Agreement for Dissolution of Marriage With No Minor Children** -- Use this if both parties agree how to divide property, assets, and debts.

*Includes a specific set of instructions

2. Other things one or both spouses can or *must* do during the 90-day period

- You *must* complete a Financial Affidavit

  During the waiting period, each spouse must fill out, sign, and file a Financial Affidavit form (**FL-124**) at the district court clerk's office. This gives the court information about all your property, the amount of your debts, and your income. You will *not* get a final divorce Decree until you complete the Financial Affidavit.

- If you and your spouse agree how to divide your property, assets and debts, you *must* complete a Settlement Agreement (**FL-128**).
  - Work together to fill it out and sign the form.
  - Make a photocopy for each person.

- File the original Settlement Agreement form (**FL-128**) with the district court clerk.

- If you served Notice by Publication in a newspaper (step **A.4.b**. on page 4), you *must* do this to get a divorce Decree by default.
  - Fill in and sign an Affidavit of Mailing Notice (**FL-125**).
  - Make two copies.
  - Take the original and both copies to the district court clerk's office.
  - The clerk will time-stamp your form and copies.
  - The clerk will take the original one and give the copies back to you.
  - Keep one of the copies for your records.
  - Mail a copy to your spouse's last known address.

- You may file a Motion for a Temporary Order (Optional).

  You (or your spouse) might need something that requires a temporary order from the court. For example, one of the spouses might request temporary financial support or to pay attorney fees. If so, file a Motion (**FL-122**) with the district court clerk to ask the court for what you want.
  - Make two copies of the Motion.
  - Take the original and both copies to the district court clerk's office.
  - The clerk will time-stamp your form and copies.
  - The clerk will take the original one and give the copies back to you.
  - Keep one of the copies for your records.
  - Deliver a copy to your spouse or your spouse's attorney (by mail or in-person).
  - The court might schedule a hearing on your Motion.

  If your spouse files a Motion (see above) – and you disagree with what your spouse is asking the court to do -- you should fill in and file a Response to the Motion form (**FL-123**). This form allows you to tell the court that you oppose your spouse's Motion. After you fill it in you must:
  - Make two copies of the Motion.
  - Take the original and both copies to the district court clerk's office.
  - The clerk will time-stamp your form and copies.
  - The clerk will take the original one and give the copies back to you.
  - Keep one of the copies for your records.
  - Deliver a copy to your spouse or your spouse's attorney (by mail or in-person).
  - The clerk's office will send you a notice telling you the date and time of the hearing.
  - You must go to the hearing.

- You might have to attend educational or mediation programs. (This varies by judicial district.)

  Many courts have educational programs about mediation. The court might require you to attend a mediation session.

- If you will be changing the title to any real estate as part of your divorce, you should contact an attorney to get advice on how to do this.

Continued on the next page.

D. HOW TO GET A FINAL DIVORCE DECREE

You and your spouse are not divorced until a judge signs a final divorce Decree (called a "Decree of Dissolution of Marriage"). A judge writes the final Decree.

You can get a final divorce Decree by: (1) default, (2) written agreement, or (3) trial.

1. Divorce Decree by Default

A Petitioner can ask the court for a Decree by default if the Respondent did not file an Answer by the deadline. When and how you (the Petitioner) ask the court for a Decree by default depends on how you served notice on your spouse:

a. You served *Notice by Publication in a newspaper* -- and your spouse (the Respondent) did not file an Answer within 20 days after the third (final) date of publication. In this situation, you can ask for a Decree by default by doing the following:

- File a Motion (**FL-122**) to set a hearing date. On the Motion form, check item C.2.d. ("Set a hearing date for a divorce Decree by default"). **Note**: If you want the judge to shorten the 90-day waiting period, you should also check C.2.e. ("Shorten the 90-day waiting period for getting a divorce Decree"), and explain reasons for this request on the lines in item 3.
  - Make two photocopies of this form.
  - Take the original and copies to the clerk of district court's office.
  - The clerk will time-stamp your form and copies.
  - The clerk will take the original one and give the copies back to you.
  - Keep one of the copies for your records.
  - Promptly mail a copy of this form to your spouse's last-known address.

--- **OR** ---

b. You served the Original Notice and a copy of the Petition on your spouse (by mail, in-person, or by process server). Your spouse did not file an Answer within 20 days. The 20-day period starts on:

- The date the Original Notice (**FL-104**) and a copy of the Petition (**FL-101**) were served on the Respondent by the county sheriff or other civil process server. – **OR** –
- The date you filed the Acceptance of Service (**FL-105**) at the district court clerk's office.

If your spouse did not file an Answer within the 20-day period -- you can ask the court for a Decree by default if. Before you can do that, you must first give your spouse 10 days notice in writing that you intend to ask the court for a divorce Decree by default. (Note: This 10-day notice requirement does not apply to the situation in 1.a., above.) To give your spouse 10 days notice, you must:

- Fill in and file **FL-126** (Notice of Intent to File a Written Application for a Default Decree).
  - Make two photocopies of this form.
  - Take the original and copies to the district court clerk's office.
  - The clerk will time-stamp your form and copies.
  - The clerk will take the original one and give the copies back to you.
  - Keep one of the copies for your records.
  - Promptly deliver a copy of the form to your spouse (by mail or in-person).

After you file and serve **FL-126**, wait 10 days – plus 3 more days for mailing. If your spouse does not file an Answer within **13 days**, you can ask the court for a divorce Decree by default. To do this, you should:

- Fill in a Motion (**FL-122**) to set a hearing date. On the Motion form, check item C.2.d. ("Set a hearing date for a divorce Decree by default"). **Note**: If you want the judge to shorten the 90-day waiting period, you should also check C.2.e. ("Shorten the 90-day waiting period for getting a divorce Decree"), and explain reasons for this request on the lines in item 3.

- Make two photocopies of the form.
- Take the original and copies to the district court clerk's office.
- The clerk will time-stamp your form and copies.
- The clerk will take the original one and give the copies back to you.
- Keep one of the copies for your records.
- Promptly deliver a copy of the form to your spouse (by mail or in-person)

- The district court clerk will let you know the date, time, and location of the hearing.

For <u>all Petitioners</u> who ask the court for a divorce Decree by default:

- Before you go to the hearing:
  - Fill in a "Request for Relief" (**FL-127**). This form tells the judge you want a final divorce Decree and what you want in the Decree.
    - Make two photocopies of the original form.
    - Take the papers to the district court clerk's office.
    - The clerk will time-stamp your form and copies.
    - The clerk will take the original one and give the copies back to you.
    - Keep one of the copies for your records.
    - Deliver one copy to your spouse.
      - Petitioners in **1.a.** (above) – mail a copy to your spouse's last-known mailing address.
      - Petitioners in **1.b** (above) –deliver a copy to your spouse by mail or in-person.
    - Bring the original form and your photocopy with you to the hearing.
  - Read: *Tips on Handling Your Own Case in Iowa's Court* (available at the district court clerk's office and on the judicial branch website at: www.judicial.state.ia.us/Self_Help/ .)
  - On the date of your hearing, go to the courthouse early and ask the district court clerk if the file for your case has been delivered to the judge

- At the hearing:
  - Be on time. Follow the advice in: *Tips on Handling Your Own Case in Iowa's Courts.*
  - Give the judge the original copy of your "Request for Relief" (**FL-127**) – and –
  - Respectfully ask the court to decide that your spouse is "in default."

- After the hearing*:*
  - If the judge determines that your case is ready for a Decree, the judge will fill out a final Decree and file it at the district court clerk's office. The district court clerk will either give you a copy or mail a copy to you.

2. Divorce Decree by Written Agreement

If you and your spouse agree on how to divide your property and debts, you can work together to fill in a Settlement Agreement form (**FL-128**). After you complete the form, you should:

- Make two photocopies of the original (one copy for each spouse).
- Take the original Settlement Agreement (the one with your original signatures) to the district court clerk's office.
- Ask the district court clerk when a judge can meet with you about your Settlement Agreement. Because most courts have very busy schedules, it might be one week (or more) before you can meet with a judge. The clerk will tell you or mail you a notice with the date and time when you can meet with the judge.

Note about the 90-day waiting period: You might complete the steps for getting a divorce Decree by written agreement before the 90-day waiting period is up. If you want to shorten the 90-day waiting period, you must ask the court to do so. When you take your Settlement

Agreement form (**FL-128**) to the district court clerk's office, you should also take a Motion form (**FL-122**). Fill in the Motion form; check C.2.e. ("Shorten the 90-day waiting period for getting a divorce Decree"), and explain reasons for this request on the lines in item 3.

- Make two copies of the Motion form (one for each spouse)
- Take them to the district court clerk's office.
- The clerk will time-stamp your form and copies.
- The clerk will take the original one and give the copies back to you.
- Keep one of the copies for your records.

- Before you see the judge:
  - Ask the clerk if the judge has your case file.
  - Read: *Tips on Handling Your Own Case in Iowa's Courts.* (This is available at the district court clerk's office and on the judicial branch website at: www.judicial.state.ia.us/Self_Help/ .)

- When you see the judge*:*
  - Be on time. Follow the advice in: *Tips on Handling Your Own Case in Iowa's Courts.*
  - Bring (1) a completed Financial Affidavit (**FL-124**)(it should already be in the court file) – and (2) the original Settlement Agreement **FL-128** signed by you and your spouse. (Note: If you filed a Motion (**FL-122**) to shorten the 90-day waiting period, bring it with you.)
  - The judge will probably ask you some questions about your Settlement Agreement.

- After you see the judge:
  - If the judge decides your case is ready for a Decree, the judge will fill out a final Decree and file it at the district court clerk's office. The district court clerk will either give you a copy or mail a copy to you.

3. Divorce Decree after Trial

If your spouse and you do not agree on how to settle your divorce, ask the district court clerk how you can have your case scheduled for trial. Follow the district court clerk's instructions

- Before you go to court for the trial*:*
  - Read: Tips *on Handling Your Own Case in Iowa's Courts.*
  - Prepare to tell the judge what you want*.*
  - Each spouse should complete a separate "Request for Relief" form (**FL-127**).

- When you appear before the judge at trial:
  - Be on time. Follow the advice in: *Tips on Handling Your Own Case in Iowa's Courts*
  - Bring copies of:
    - The "Request for Relief" form (**FL-127**). (Each spouse should have completed his or her own form.)
    - The "Financial Affidavit" form (**FL-124**).
    - Any other forms and papers you and your spouse filed with the district court clerk.
  - The judge will ask the Petitioner and Respondent questions about the issues you disagree about. The judge will make a final decision on how to divide your property and debts.

- After the hearing:
  - The judge will fill out and sign a final Decree and deliver it to the district court clerk's office. The district court clerk will either give you a copy or mail a copy to you.

E. THINGS YOU MIGHT HAVE TO DO AFTER A JUDGE SIGNS THE DIVORCE DECREE

Some important things might not automatically happen after the judge signs the final divorce Decree. You must take steps to make some things happen. For example:

- You may want to close any credit cards and joint bank accounts that are in the names of both spouses. Creditors often try to collect debts from anyone whose name was on the account, even if the divorce Decree orders one person to pay the debt.

- If the divorce Decree gives you or your spouse part of the other person's retirement account or pension, a separate order must be entered. It's called a Qualified Domestic Relations Order (QDRO). Ask an attorney for help with a QDRO, so it is done correctly.

- If you will be changing the title to real estate – you should talk to an attorney. This is a complicated and very important step in the divorce process. You want to be sure to do this correctly.

F. TERMS USED IN THE DIVORCE PROCESS

Acceptance of Service: **FL-105** This is a paper the Respondent can sign to acknowledge (admit) that he or she has received a copy of the divorce Petition and Original Notice from the Petitioner. Signing this paper does not mean the Respondent agrees to the divorce or anything else that is in the Petition. (Note: the county sheriff or other civil process server does not need to serve divorce Petition and Original Notice if the Respondent signs this Acceptance of Service.)

Alimony: This is the same as spousal support. (Courts rarely award alimony.)

Answer: **FL-115** or **FL-116** The Respondent uses this paper to respond to what the Petitioner – the Respondent's spouse – asks for in the Petition.

Application and Affidavit to Defer Payment of Costs: **FL-109** This is a paper that asks the court for an order to allow you to file the Petition with the district court clerk without paying the filing fee at that time. You might be required to pay the fee later.

Cover Sheet: **FL-102** is a form available from the district court clerk. It identifies the type of lawsuit you have filed (dissolution of marriage).

Community property: Property that belongs to both the wife and the husband, not just to one of them.

Confidential Information Form: **FL-103**. This is information required by Iowa law. It is not a public record.

Decree of Dissolution of Marriage: A paper signed by the judge that ends your marriage. It will require you and your spouse to do certain things, including dividing your property and debts in a certain way. By getting together with your spouse and filling out a Settlement Agreement (**FL-128**), you can tell the judge what you both want the final Decree to say. If you and your spouse do not agree how to settle your divorce, you can tell the judge what you want the final Decree to say by filling out a Request for Relief (**FL-127**). But the judge will always make the final decision on what the divorce Decree will say.

Default: A ruling by the court that your spouse (or you) did not do something that was required during the divorce process. For example, the judge could enter a default judgment if the respondent did not file an Answer after receiving an Original Notice. Once the court enters a judgment of default, the court may then issue other orders, including an order of divorce (or dissolution of marriage). See forms **FL-126** and **FL-127**, which can be used to get a "Decree by Default" (see p. 7 of this guide).

Directions for Service of Original Notice: **FL-106** A paper which gives information to the county sheriff or

other civil process server on how and where to serve the Petition on the Respondent.

Discovery: You and your spouse give each other information (usually in writing) which explains the facts of your marriage, property, and income. You may have to answer questions or provide papers.

Encumbrance: This is a general term for a charge against real estate and may include liens, mortgages and other charges against real estate -- such as special tax assessments.

Equity: This term means fairness and justice. "Equity cases" usually include family law cases (divorce, child custody and support) and real property issues, where a court must fairly divide property and responsibilities among the parties.

Fair Market Value: This is the price you are likely to get for something when you offer it for sale to the public in an open market.

Fees: Money you must pay to the district court clerk when you file your Petition and at other times. (*NOTE: The fees listed below are set by the state legislature, which sometimes changes the fees*.)

1. **Court fees** are paid to the district court clerk in the county where the case is filed.
   a) Filing fee -- to start a divorce case ($185)
   b) Final Decree fee – at the end of the divorce case ($50)
   c) Court reporting fee for each hearing in court ($40)
   d) Certification of change of real estate title ($50)

Note on payment of court fees: At the end of your divorce the court can determine, or the parties can agree, who will pay the fees. This would include the filing fee, court fees, service fees and costs of things such as a subpoena or a deposition.

2. **Service fees:** Money you must pay to a process server, such as the county sheriff, to serve your spouse with an Original Notice. (The amount varies by county.)

3. **Recording fee:** The County Recorder charges a fee to enter your change of title of real estate title – if your divorce includes a change of real estate title..

File: This word has two meanings:

- It is the act of giving something in writing to the district court clerk. The clerk will stamp the date and time that a filed document was received by the district court clerk.
- It also means the folder(s) in which the district court clerk places the documents for a court case.

Financial Affidavit: **FL-124** provides information to the court about you and your spouse's property, debts, income, and expenses. This form is available from the district court clerk and on the Iowa judicial branch website at: www.judicial.state.is.us/Self_Help/

Gross Monthly Income: This is the total of your income before subtracting for anything else, such as taxes, retirement account contributions, health insurance, etc.

Guardian Ad Litem: A person, usually an attorney, appointed to look out for the interests of someone in a lawsuit. For example, a guardian ad litem might be appointed for a child or someone who is in prison.

Joint ownership: Property being owned by more than one person.

Lien: This is a charge on specific property to cover a debt or obligation.

Local Rules: Each court has local rules which must be considered while processing your case. The district court clerk can provide you with copies of the local rules. They are also available on the website of the Iowa state courts at: www.judicial.state.ia.us

Mortgage: This is a charge on real estate for a debt owed. Both the mortgage and the debt are written papers and the mortgage has been filed with the County Recorder.

Motion: **FL-122** is a paper in which one of the parties asks the court to order something to be done while a case is going on. For example, a party might ask for temporary alimony or to schedule a hearing.

Net Monthly Income: This is the amount of income which you have available to spend after the deductions from your gross monthly income. You net monthly income might be the net amount of your paycheck.

Net Value: This is the amount of money something is worth after subtracting all liens, encumbrances, and mortgages from the fair market value. For example, if your car is worth $5,000 and there is a lien of $4,000 against it, then the net value is $1,000.

Order: A paper signed by the judge telling a party or both parties to do something.

Original Notice: **FL-104** A paper prepared by the Petitioner and signed by the district court clerk. The Petitioner serves this paper on his or her spouse (the Respondent) along with the Petition. This tells the respondent that his or her spouse has filed a lawsuit for dissolution of marriage (divorce). See Instructions for Original Notice **FL-104**.

Party: This refers to a person or business in a court case. In a divorce case, the two spouses (husband and wife) are the "parties" in the lawsuit.

Petition / Petitioner: See form **FL-101**. The Petition is paper is filled in by a **Petitioner**. It is the first paper filed in court to open a new court case. It gives the court information about the parties involved in the case; and it tells the court what the Petitioner wants the court to do. In a divorce (dissolution of marriage), the Petitioner asks the court to end his or her marriage. See the instructions for form **FL-101**.

Pro se (pronounced "pro say")**:** This is a Latin term, which means "for or on behalf of oneself." It is used to describe a person who handles his or her own court case with little or no assistance from an attorney (a *pro se* party). A *pro se* party is sometimes called a *self-represented* party.

Process Server: This is a person, other than you, who personally delivers a paper to your spouse. Often this process server is the county sheriff, but it may be another person who delivers legal papers. See "Service" (below).

Property: There are two types of property: personal property and real property.

1. **Personal property:** Personal property is all property that is not real property. Personal property could include clothes, cars, boats, money, household contents, pension rights, jewelry, bank accounts, and many other types of things.

2. **Real property:** Real property is any right to real estate (land and buildings on the land). It could include all types of ownership and all types of rights to occupy the property, such as a lease.

Report of Dissolution of Marriage or Annulment: A form that gives information about your divorce to the Iowa Department of Public Health. It is available from the district court clerk, and the district court clerk must sign it. You should fill it out and return it to the district court clerk before a judge signs your divorce Decree. Attorneys call this a "Statistical Abstract Form."

Respondent: The person who receives the Petition for Dissolution of Marriage (from that person's spouse, who is the Petitioner).

Return of Service: In this paper, the county sheriff or civil process server tells the court that the Respondent has received a copy of the Petition and the Original Notice, or some other paper.

Self-represented party: This refers to a person who handles his or her own court case with little or no assistance from an attorney. A self-represented party is sometimes called a *pro se* (pronounced "pro say") party. "Pro se" is a Latin term, which means "for or on behalf of oneself."

Serve (Service): To give your spouse a copy of a paper, like the Petition and Original Notice. Some papers must be given in-person and some papers can be sent by mail.

- **Personal Service:** This is where a paper (legal document) is delivered to a party in a court case by a sheriff or other civil process server. See forms **FL-105** (Acceptance of Service) and **FL-106** (Directions for Service).

- **Mailed Service:** This is where a paper (legal document) is delivered through the mail to a party in a court case to that party's last known address.

Settlement Agreement: A paper with the final agreement between you and your spouse on how to settle your divorce. It is filed with the district court clerk and then given to the judge. The Settlement Agreement (**FL-128**) will include the details of your dissolution of marriage (divorce), if the judge agrees.

Spousal support: See alimony.

Statistical Abstract Report: (See "Report of Dissolution of Marriage or Annulment," above.)

Subpoena: A paper ordering a person to appear in court and give testimony. The court may impose a penalty on a person who fails to obey a subpoena without a good reason,

Continued on the next page

G. DISTRICT COURT CLERKS' OFFICES IN EACH COUNTY IN IOWA (Updated: December 12, 2006)

County (District)	Mailing Address	Phone #
Adair (5B)	400 Public Square, PO Box L, Greenfield 50849	641- 743-2445
Adams (5B)	500 9th St., Corning 50841	641- 322-4711
Allamakee (1A)	110 Allamakee Street, PO Box 248, Waukon 52172	563- 568-6351
Appanoose (8A)	PO Box 400, Centerville 52544	641- 856-6101
Audubon (4)	318 Leroy Street #6, Audubon 50025	712- 563-4275
Benton (6)	111 E 4th Street, PO Box 719, Vinton 52349	319- 472-4205
Black Hawk (1B)	P.O. Box 9500, Waterloo 50704-9500	319- 833-3331
Boone (2B)	201 State Street, Boone 50036	515- 433-0561
Bremer (2A)	415 E Bremer Avenue, PO Box 328, Waverly 50677	319- 352-5661
Buchanan (1B)	210 - 5th Ave NE, PO Box 259, Independence 50644	319- 334-2196
Buena Vista (3A)	215 E Fifth Street, PO Box 1186, Storm Lake 50588	712- 749-2546
Butler (2A)	428 Sixth Street, Box 307, Allison 50602	319-267-2487
Calhoun (2B)	416 Fourth St, Rockwell City 50579	712- 297-8122
Carroll (2B)	Sixth and Main Streets, PO Box 867, Carroll 51401	712-792-4327
Cass (4)	Five West Seventh Street, Atlantic 50022	712-243-2105
Cedar (7)	400 Cedar St., PO Box 111, Tipton 52772	563- 886-2101
Cerro Gordo (2A)	220 North Washington, Mason City 50401	641- 424-6431
Cherokee (3A)	520 West Main Street, Cherokee 51012	712- 225-6744
Chickasaw (1B)	8 East Prospect, PO Box 467, New Hampton 50659	641- 394-2106
Clarke (5B)	100 S. Main, Osceola 50213	641- 342-6096
Clay (3A)	215 West Fourth Street, Spencer 51301-3890	712- 262-4335
Clayton (1A)	111 High Street NE, PO Box 418, Elkader 52043	563- 245-2204
Clinton (7)	612 N Second Street, PO Box 2957, Clinton 52732	563- 243-6210
Crawford (3B)	1202 Broadway, Suite 1P, Denison, 51442	712- 263-2242
Dallas (5A)	801 Court Street, Adel 50003	515- 993-5816
Davis (8A)	100 Courthouse Square, Bloomfield 52537	641- 664-2011
Decatur (5B)	207 North Main Street, Leon 50144	641- 446-4331
Delaware (1A)	301 E Main Street, PO Box 527, Manchester 52057	563- 927-4942
Des Moines (8B)	513 North Main St, PO Box 158, Burlington 52601	319-753-8272
Dickinson (3A)	Hill and 18th Street, Drawer ON, Spirit Lake 51360	712-336-1138
Dubuque (1A)	P.O. Box 1220, Dubuque 52004-1220	563- 589-4418
Emmet (3A)	609 First Avenue North, Estherville 51031-2194	712- 362-3325
Fayette (1B)	114 North Vine St, PO Box 458, West Union 52175	563-422-5694
Floyd (2A)	101 South Main Street, Charles City 50616	641- 228-7777
Franklin (2A)	12 First Avenue NW,PO Box 28, Hampton 50441	641-456-5626
Fremont (4)	Square, PO Box 549, Sidney 51652	712- 374-2232
Greene (2B)	14 North Chestnut, Jefferson 50129-2144	515- 386-2516
Grundy (1B)	706 G Ave, Grundy Center 50638	319- 824-5229
Guthrie (5A)	200 North Fifth Street, Guthrie Center 50115	641-747-3415
Hamilton (2B)	PO Box 845, Webster City 50595-0845	515- 832-9600
Hancock (2A)	855 State Street, PO Box 70, Garner 50438	641- 923-2532
Hardin (2B)	Pioneer Plaza, PO Box 495, Eldora 50627	641- 858-2328
Harrison (4)	111 N. 2nd Avenue, Logan 51546	712 644-2665
Henry (8B)	100 E Washington, PO Box 176, Mt Pleasant 52641	319-385-2632
Howard (1B)	137 North Elm Street, Cresco 52136	563- 547-2661
Humboldt (2B)	PO Box 100, Dakota City 50529	515- 332-1806
Ida (3B)	401 Moorehead Street, Ida Grove 51445	712- 364-2628
Iowa (6)	901 Court Avenue, PO Box 266, Marengo 52301	319-642-3914
Jackson (7)	201 West Platt Street, Maquoketa 52060	563-652-4946
Jasper (5A)	101 First Street North, Room 104, Newton 50208	641- 792-3255
Jefferson (8A)	51 West Briggs, PO Box 984, Fairfield 52556	641- 472-3454
Johnson (6)	417 S Clinton St, PO Box 2510, Iowa City 52240	319-356-6060
Jones (6)	Main Street, PO Box 19, Anamosa 52205	319- 462-4341
Keokuk (8A)	101 South Main Street, Sigourney 52591	641- 622-2210
Kossuth (3A)	114 West State Street, Algona 50511	515- 295-3240
Lee (8B)	PO Box 725, Keokuk 52632	319- 524-2433
Lee (8B)	PO Box 1443, Fort Madison 52627	319- 372-3523
Linn (6)	Third Ave Bridge, PO Box 1468, Cedar Rapids 52406	319-398-3411

District Court Clerks' Offices in Each County in Iowa (continued)

County (District)	Mailing Address	Phone #
Louisa (8B)	P.O. Box 268, Wapello 52653	319- 523-4541
Lucas (5B)	916 Braden Avenue, Chariton 50049	641- 774-4421
Lyon (3A)	206 South Second St, Rock Rapids 51246	712- 472-2623
Madison (5A)	PO Box 152, Winterset 50273	515- 462-4451
Mahaska (8A)	106 South 1st Street, Oskaloosa 52577	641- 673-7786
Marion (5A)	PO Box 497, Knoxville 50138	641- 828-2207
Marshall (2B)	17 East Main Street, Marshalltown 50158	641- 754-1603
Mills (4)	418 Sharp Street, Glenwood 51534	712- 527-4880
Mitchell (2A)	508 State Street, Osage 50461-1250	641- 732-3726
Monona (3B)	610 Iowa Avenue, Onawa 51040	712- 423-2491
Monroe (8A)	10 Benton Avenue East, Albia 52531	641- 932-5212
Montgomery (4)	105 Coolbaugh Street, PO Box 469, Red Oak 51566	712-623-4986
Muscatine (7)	401 East 3rd Street, PO Box 8010, Muscatine 52761	563-263-6511
O'Brien (3A)	155 South Hayes Avenue, Primghar 51245	712- 957-3255
Osceola (3A)	300 Seventh Street, PO Box 156, Sibley 51249-0156	712- 754-3595
Page (4)	112 East Main St, PO Box 263, Clarinda 51632	712-542-3214
Palo Alto (3A)	1010 Broadway, Emmetsburg 50536	712- 852-3603
Plymouth (3B)	215 Fourth Avenue SE, LeMars 51031-2194	712-546-4215
Pocahontas (2B)	99 Court Square, Pocahontas 50574	712- 335-4208
Polk (5C)	500 Mulberry Street, Room 212, Des Moines 50309	515- 286-3772
Pottawatttamie (4)	227 S. 6th Street, PO Box 476, Council Bluffs 51502	712-328-5604
Poweshiek (8A)	P.O. Box 218, Montezuma 50171	641- 623-5644
Ringgold (5B)	PO Box 523, Mount Ayr 50854	641- 464-3234
Sac (2B)	PO Box 368, Sac City 50583	712- 662-7791
Scott (7)	400 West Fourth Street, Davenport 52801	563- 326-8648
Shelby (4)	612 Court Street, PO Box 431, Harlan 51537	712- 755-5543
Sioux (3B)	PO Box 47, Orange City 51041-0047	712- 737-2286
Story (2B)	1315 South B Ave, PO Box 408, Nevada 50201	515- 382-7410
Tama (6)	100 West High Street, PO Box 306, Toledo 52342	641-484-3721
Taylor (5B)	403 Jefferson St, PO Box 306, Bedford 50833	712- 523-2095
Union (5B)	300 North Pine, Creston 50801	641- 782-7315
Van Buren (8A)	Fourth & Dodge, Keosauqua 52565	319- 293-3108
Wapello (8A)	101 West Fourth Street, Ottumwa 52501	641- 683-0060
Warren (5A)	PO Box 379, Indianola 50125	515- 961-1033
Washington (8A)	PO Box 391, Washington 52353	319- 653-7741
Wayne (5B)	Town Sq, PO Box 435, Corydon 50060	641- 872-2264
Webster (2B)	701 Central Avenue, Fort Dodge 50501	515- 576-7115
Winnebago (2A)	126 South Clark St., Ste. 6, Forest City 50436	641- 585-4520
Winneshiek (1A)	201 West Main Street, Decorah 52101	563- 382-2469
Woodbury (3)	620 Douglas, Room 101, Sioux City 51101	712- 279-6611
Worth (2A)	1000 Central Ave, Northwood 50459	641- 324-2840
Wright (2B)	115 North Main Street, PO Box 306, Clarion 50525	515- 532-3113

Tips on Handling Your Own Case in Iowa's Courts

1. Judges and court staff cannot give you legal advice.

- They cannot tell you whether you should file a case, what you should put in your papers, or what you should say or ask in court. Why? Because:
  - o Judges and court staff must not take sides in any case. It would be unfair for judges or court staff to give one person an advantage over another person in a court case.
  - o If court staff gives you advice and it turns out to be wrong, you could lose your case.

2. Court staff <u>cannot</u>:

- Tell you what you *should* do about anything involving your court case. They *cannot* tell you;
  - o Whether you should file a specific paper.
  - o What words or phrases you should use in a paper.
  - o What persons you should file a lawsuit against.
  - o How much money to ask the other party for.
  - o What questions to ask witnesses or other parties.
  - o Whether to appeal a judge's decision.
  - o How to fill in a form for a person involved in a case. [**Exception**: If a person has a physical disability or cannot read or write, and the person explains the disability to a clerk, then the clerk may fill in the form. However, the clerk must write down *only* the exact words provided by the person who requested help.]
- Tell you the meaning of laws or court decisions.
- Perform legal research for a person involved in a court case.
- Predict the outcome of a case, a paper filed, or some other action in a case.

3. Court staff <u>can</u>:

- Provide public information contained in: dockets, calendars, case files, indexes, and reports.
- Show or tell where to find laws or rules.
- Identify approved court forms that might meet the needs of a person who doesn't have an attorney.
- Answer questions about where to write in particular types of information on court forms -- but not *what* words to use when filling in the forms.
- Define terms commonly used in court.
- Provide phone numbers for lawyer referral services.

4. You <u>cannot</u> talk to the judge unless all parties and attorneys are present.

- You cannot communicate with the judge about your case by email or regular mail – unless you send copies of your email or regular mail to the other people involved in your case.
- You cannot talk with the judge about your case by telephone or in-person unless all other parties are on the phone at the same time or in the same room together.
- This rule is important because it prevents a person or an attorney from giving information to a judge that the other side does not know about. This would be unfair to the other side.
- If you want to give the judge information you think is important for your case – or you want the judge to take some action related to a case – you must:
  - o Put the request in writing. (See approved Iowa court forms for examples of how to do this.)
  - o Make enough copies for you and all the other parties.
  - o Take the papers to the district court clerk's office. The clerk will stamp each copy and keep one.
  - o Deliver a copy to each of the other parties or their attorneys. Keep a copy for yourself.

5. Be prepared

- Keep copies of all the papers you file in court and the ones you get from the other party.
- Know what evidence you need to prove your case. If possible, ask an attorney what you need to do before you go to court and what to do at the court hearing.
- Bring papers and witnesses that will help you win your case.
- Bring at least three copies of each document you want to use as evidence — one for you, one for the other party, and one for the judge.

----- Continued on page 2 -----

- If a witness refuses to come to court to testify, you can ask the court to issue a subpoena (pronounced "suh - peena.") It's an order requiring a person to come to court. Be sure to ask the clerk's office for a subpoena several days before your court hearing.
- Bring physical evidence, if there is any. This might include a canceled check, contract, or invoice. If your case involves damaged property, bring the damaged item or a photograph of it.

6. Be on time

- If you are not in court when your case is called, and the other party is present, the judge might enter a judgment against you.
- If neither party is on time, your case might be skipped. You might have to wait until the very end of the court session that day before your case is called again. Or you might even have to come back on another day -- possibly a few weeks later.

7. Know and follow court rules

- Judges cannot make exceptions for people without attorneys. You could lose your case if you do not follow the correct procedures.
- When you file a paper at the district court clerk's office, you must mail or deliver a copy of that paper to the other party (or parties) or the other party's attorney. Always keep a copy for your records.

8. Be courteous and respectful

- Make a good impression on the judge. A judge can hold a person "in contempt of court" for bad behavior. This could result in a fine or time in jail.
- Wait for your turn to speak. Do not interrupt the judge or the other party. If you interrupt others in court, the judge will stop you and instruct you to wait your turn.
- *Turn off your cell phone.*

9. Dress appropriately

- You should wear a suit or sport coat, if you have one. Otherwise, wear nice, clean casual clothes and shoes. Remove your hat or cap while you are in the courtroom or in the judge's office.

10. Speak loudly and clearly so everyone in the courtroom can hear you.

- Judges and the other parties in court need to hear the facts correctly. The judge needs to hear you clearly so that he or she can make a correct decision.

11. If you can't attend a court hearing – or can't be on time – you must inform the court.

- You must have a *very good reason* to reschedule any court hearing.
- To reschedule a hearing at the *last minute*, there must be an emergency.
  - o You should immediately call the district court clerk's office where your hearing is scheduled.
  - o Calmly explain your problem, and ask to reschedule the hearing or trial. Court staff will write down the request and contact the judge. The judge will decide whether your reason for changing the hearing or trial date is serious enough to grant your request.
  - o Give the clerk your phone number where you can be contacted that day.
- If something very important comes up *two or more days before the hearing* – like a death in the family or an accident that puts you in the hospital – you must submit your request for a new hearing date or time in writing and file it with the district court clerk. In a divorce case without minor children, use the family law Motion form (**FL-122**) to ask the court for a new hearing date.
  - o Do this as soon as you know you need to reschedule the hearing.
  - o After you file the Motion at the clerk's office, deliver a copy of your request to the other party.
  - o It's more likely a judge will agree to your request if you get the other party to sign a written agreement to change the hearing time or date – and include it with your Motion for a new hearing date.
  - o The clerk will give your request to a judge. Because judges are busy, you probably won't get an answer right away.
- **NOTE:** If you do not show up for the trial at the time it is scheduled -- and the other party does show up -- the judge may enter a judgment in favor of the other party.

FL-115 ANSWER TO PETITION FOR DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(*County where your spouse filed the Petition*)

IN RE THE MARRIAGE OF:

_____ and _____
(*Petitioner's name*) (*Respondent's name*)

B. UPON THE PETITION OF

_____
PETITIONER (*Your spouse's full name: first, middle, last*)

AND CONCERNING

_____
RESPONDENT (*Your full name: first, middle, last*)

Equity case number:

_____

Answer to Petition for Dissolution of Marriage With No Minor Children
(*CLERK STAMPS HERE*)

▶ ***STOP!*** **Use this form only if you are responding to a Petition for Dissolution of Marriage on form FL-101. For all other situations, see the instructions for this form.**

C. PERSONAL INFORMATION

1. *(Check only one. If paragraph 1 of the Petition is not correct, check the second box and fill in the blanks.)*
☐ The Petitioner's (*your spouse's*) birth date and present residence are correct in the petition.
☐ The Petitioner's (*your spouse's*) birth date and present residence: _____
(*Date of birth*)

_____ _____ _____ _____
(*Present street address*) (*City*) (*State*) (*Zip code*)

_____ (_____)_____
(*County*) (*Phone number*)

2. *(Check only one. If paragraph 2 of the Petition is not correct, check the second box and fill in the blanks.)*
☐ The Respondent's (*your*) birth date and present residence are correct in the petition.
☐ The Respondent's (*your*) birth date and present residence: _____
(*Date of birth*)

_____ _____ _____ _____
(*Present street address*) (*City*) (*State*) (*Zip code*)

_____ (_____)_____
(*County*) (*Phone number*)

D. GENERAL INFORMATION ABOUT THE MARRIAGE AND THE PARTIES

3. *(Check only one. If paragraph 3 of the Petition is not correct, check the second box and fill in the blanks):*

a. ☐ The date and location of the marriage are correct in the Petition.

b. ☐ Date and location of the marriage:

Date: _____ /_____/ _____ Location: _____
(Month) (Day) (Year) *(City & state where you were married)*

4. (*Check all that are true. If you do not check one or more of these, explain in* **11**.)

a. ☐ There are no children under the age of 18 who are children of both the husband and the wife.

b. ☐ There are no children under the age of 18 who were adopted or born during this marriage.

c. ☐ There are no children 18 years of age or older who still need support.

d. ☐ The wife is not pregnant.

5. (*Check if true)*

☐ The Petitioner (*your spouse*) is not living in Iowa just to get a divorce.

6. *(Check all that are true)*

a. ☐ The Respondent is a resident of Iowa. (*You are the Respondent.*)

b. ☐ The Petitioner (*your spouse*) has lived in Iowa for more than one year.

7. Condition of the marriage (*Check all that are true*)

a. ☐ The marriage is broken and cannot be saved.

b. ☐ There is no other divorce case going on in any court in Iowa or another state involving the marriage.

c. ☐ Counseling will not save the marriage.

8. Respondent status (*Check all that are true*)

a. ☐ The Respondent is in the military service. (*You are the Respondent.*)

b. ☐ The Respondent is in prison or jail.

9. Protective or "no contact" orders (C*heck if true*)

☐ There is a "protective order" or a "no contact order" between the Respondent *(you*) and the Petitioner (*your spouse*). If you check this box, write in the following information:

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

b. Court case number: _____

10. Respondent denies anything in the Petition that Respondent has not admitted. (Y*ou are the Respondent.)*

11. Other information: _____

_____

E. REQUEST OF THE RESPONDENT

Respondent asks the court to:
(*Check all that apply*)

a. ☐ End the marriage of the Petitioner (*your spouse*) and Respondent (*you*);
b. ☐ Fairly divide the property and the debts of the parties.
c. ☐ Order that the Petitioner (*your spouse*) pay the court fees.
d. ☐ Order that the Petitioner (*your spouse*) pay for Respondent's (*your*) attorney fees.
e. ☐ Order that the Petitioner (*your spouse*) pay alimony to the Respondent (*you*).
f. ☐ Change the Respondent's (*your*) last name to:

_____
(*Print your former or maiden name*)

g. ☐ 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, _____, have read the above Answer, 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 Answer is true and correct. I also certify that I mailed or gave a copy of the Answer to the Petitioner or Petitioner's attorney (if any) on this date: _____, 20____.

_____
(*Your signature - Required)*

_____ *(Your mailing address – Required)*
_____ *(City – Required)*

_____ *(State, Zip code – Required)*
(_____)_____ (*Phone number - Optional*)

_____ (*E-mail address - Optional*)
(_____)_____ (*Fax number - Optional*)

Instructions on How to Complete an Answer to a Petition for Dissolution of Marriage With No Minor Children (FL-115)

Do not file or give these instructions to the district court clerk's office.

Deadline for filing an Answer:

- You have **20 days** from the date you receive a Petition for Dissolution of Marriage to file an Answer with the district court clerk in the county where the Petition was filed.
- If you do not file an Answer, the court may make decisions and enter orders without hearing from you.

Use this form only if:

- Your spouse filed a "Petition for Dissolution of Marriage With No Minor Children" using form **FL-101**.
- If your spouse did not use form **FL-101** – you may want to use form **FL-116** to file your Answer.
- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support.
- The wife is not pregnant.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice.

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the Answer and fill in the information. Use the information on the following pages to help you fill in the form correctly.

Print clearly when you write information on form FL-115

How to Fill in the Answer to Petition for Dissolution of Marriage With No Minor Children (FL-115)

Part A. IN THE DISTRICT COURT

- *In the District Court for:* Print the name of the county where your spouse filed the Petition.
- *In Re the Marriage of:* On the first line print the Petitioner's (your spouse's) full name; on the second line print your name (you are the Respondent in this case). Use the legal names you have now.

Part B. UPON THE PETITION

- Your spouse is the Petitioner. On the first blank print your spouse's full name as it is written on the Petition: first, middle and last.
- You are the Respondent. On the second blank print your full name: first, middle and last.
- In the box on the right side of this section, write in the "Equity case number" for your case. It appears in this same location on the Petition form (FL-101). If you are not sure of the case number, you may ask the district court clerk.
- Do not write anything below the words: "Clerk Stamps Here." The district court clerks will put a time-stamp in this space.

Part C. PERSONAL INFORMATION

►**If you have been assaulted by your spouse and you fear for your safety, you may leave your present address (where you live) and phone number blank.** However, in part G. on the form, you must provide an address where you can *receive mail*. Ask the district court clerk about this if you have any questions.

1. Your spouse is the Petitioner. Check the first box if your spouse's date of birth, address, city, county, state, zip code and telephone number are correct on the petition.

- If the information on the petition is not correct, check the second box and print the correct information on the blanks.

2. You are the Respondent. Check the first box if your date of birth, address, city, county, state, zip code and telephone number are correct on the petition.

- If the information on the petition is not correct, check the second box and print the correct information on the blanks.

Part D. GENERAL INFORMATION ABOUT THE MARRIAGE AND THE PARTIES

This is where you will tell the court whether you agree with what the petition says about the marriage.

- Check the box only if the information is true.
- If the information is false, do not check the box.
- If you do not know if the information is true, do not check the box.

3. Check the first box if you agree. Check the second box if you do not agree, and print the correct date and place where you were married.

4. **Children:** If there are children under the age of 18 -- or if the wife is pregnant -- you **cannot use this form.** If you disagree with how your spouse (the Petitioner) answered these questions, write the reason(s) you disagree in **11.** on the Answer form.

a. Check the box if there are no children under the age of 18 who are the children of **both** the husband and the wife.

- If the husband and wife had children together (born or adopted) before the marriage and the children are under the age of 18, **you cannot use this form**.
- If the husband and wife had children together (born or adopted) during the marriage and the children are under the age of 18, **you cannot use this form**.

b. Check the box if there are no children under the age of 18 who were adopted or born while the wife and husband were married.

- If any children under the age of 18 were born or adopted during the marriage, **you can not use this form**. You cannot use this form *even if the husband is not the father*.

c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.

- If there are children 18 years of age or older who need support, **you cannot use this form**.
- Examples:
  - A child is 18 years of age but is still in high school.
  - A child is 18 years of age or older but is in college or disabled and needs support.

d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

5. Check this box if you agree.

6. a. Check this box if you agree.
b. Check this box if you agree.

- If you did not check "6.a." or "6.b.," you should talk to an attorney.

7. Read "a." through "c." carefully.

a. Check this box if you agree.

b. Check this box if you agree.

- Do not check the box if you and your spouse have a divorce case in a different court in Iowa or another state that is still going on.
- If you or your spouse has filed for divorce anywhere else, explain this in **11.** on the form. You should also talk to an attorney.

c. Check this box if you agree. If you want counseling, write that in "g." under part **E.**

8. a. Check the box if you are in the military.

- There are special rules that may prevent your spouse's case from going forward if you are in the military. You should talk to an attorney.

b. Check the box if you are in prison or in jail.

- If you are in prison or jail, you may be entitled to a "guardian ad litem."
- A guardian ad litem is an attorney appointed to protect the interests of an incarcerated spouse in some cases.
- If you are in prison or jail, state the location under **11.** on your Answer form.

9. Check the box if there is now a "no contact" order or a "protection" order. If you check this box, then you must also fill in: (a.) the county and state where the order came from and (b.) the case number on the order.

10. This is a *required* statement. Do not check or write anything for this item.

11. If there is anything else you want to tell the court, print it on the blank lines under **11.** on your Answer form.

- All the basic information you need to tell the court is listed in **1** through **10.** You should print a statement under **11.** on the Answer only if you need to explain something.

Part E. REQUEST OF THE RESPONDENT.

Important Note: If you do not know what you want, **talk to an attorney**. Be sure to read "a." through "f." carefully. Check only the ones you want the court to consider.

- If you want alimony or attorney fees before the divorce is final, you must file form **FL-122**.
- Check box "f." if you changed your name when you married and you want to change your name to your former or maiden name. You cannot change your name to any name you want.
- Check box "g." and print a brief statement if there is something else you want. [Example: If you want marriage counseling, write "I want the court to order marriage counseling" on the blank lines in "g." of part **E.**]

Part F. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part G. OATH AND SIGNATURE

Fill in all the blank lines in part **G.**

- On or before the day you file this Answer form at the district court clerks' office, you must mail or give a copy of what you file to the petitioner (your spouse) or the petitioner's attorney, if any. Write in the date you did this.
- Print the address where you want the court and your spouse to send mail to you. This does not have to be your home address.
- You must mail or give a copy of the Answer to the petitioner. Fill in the date you did this. [Most people do this before or on the day they file the Answer in the district court clerk's office.]

By signing this form, you are telling the court that the information on this form is true. The court may punish you if you lie on this form.

Checklist of things you should do after you complete the Answer form:

☐ Carefully check your Answer form. Be sure you've answered all the questions.

☐ Make two photocopies of the original Answer.

☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all three.

☐ File the original Answer at the district court clerk's office.

☐ Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney. For additional instructions on what to do with this form, see *A Guide for Representing Yourself in a Divorce Case in Iowa: For Spouses With No Minor Children* (Part B).

☐ Keep the other copy for your own records.

Remember:
Keep these instructions. Do not file these instructions with the Answer.

FL-116 GENERAL ANSWER TO A PETITION

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA

(*County where the case was filed*)

B. NAMES

_____

PETITIONER *(Petitioner's name on Petition: First, Middle, Last)*

_____

RESPONDENT *(Your name: First, Middle, Last)*

Equity case number:

_____

General Answer to a Petition

(CLERK STAMPS HERE)

▶ ***STOP!*** **If you are responding to a Petition labeled FL-101 ➔ do not use this form. Use form FL-115**

C. RESPONDENT'S ANSWER *(You are the Respondent.)*

1. Respondent admits that these paragraphs in the Petition are true:

_____

(*List the numbers of the paragraphs in the Petition that you think are true)*

2. Respondent denies that these paragraphs in the Petition are true:

_____

(*List the numbers of the paragraphs in the Petition that you think are false)*

3. Respondent does not know whether these paragraphs in the Petition are true:

_____

(*List the numbers of the paragraphs in the Petition that you are not sure about)*

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

5. Other information: _____

_____

_____

D REQUEST OF THE RESPONDENT *(You are the Respondent.)*

Respondent asks 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, _____, have read the above Answer, 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 Answer is true and correct. I also certify that I mailed or gave a copy of the Answer to the Petitioner or Petitioner's attorney (if any) on this date: _____, 20____.

_____
(*Your signature - Required)*

_____ _____
(Your mailing address – Required) *(City – Required)*

_____ (_____)_____
(State, Zip code – Required) (*Phone number - Optional*)

_____ (_____)_____
(*E-mail address - Optional*) (*Fax number - Optional*)

Instructions On How to Complete the General Answer to a Petition for Dissolution of Marriage With No Minor Children (FL-116)

Do not file or give these instructions to the district court clerk's office.

Deadline for filing an Answer:

- You have **20 days** from the date you receive a Petition for Dissolution of Marriage to file an Answer with the district court clerk in the county where the Petition was filed.
- If you do not file an Answer, the court may make decisions and enter orders without hearing from you.

Use this form only if:

- You were served with a Petition that is **not** form **FL-101**. If your spouse served you with Petition form **FL-101**, you should use Answer form **FL-115**.
- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support.
- The wife is not pregnant.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice.

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the General Answer form and fill in the information. Use the information on the following pages to help you fill in the form correctly.

Print clearly when you write information on this form.

How to Fill in Form FL-116

Part A. IN THE DISTRICT COURT

- On the first line print the name of the county where your spouse filed the Petition.

Part B. UPON THE PETITION OF

- The party who filed the Petition is the Petitioner. On the first blank print that person's full name: first, middle and last.
- You are the Respondent. On the second blank print your full name: first, middle and last.
  - If you are not sure if you are the Petitioner or the Respondent, you may ask the district court clerk
- In the box on the right side of this section, write in the "Equity case number" for your case. It appears on the first page of the Petition, which you received from the Petitioner (your spouse). It might be labeled "Case number" on the Petition. If you are not sure of the case number, you may ask the district court clerk in the county where the Petition was filed.
- Do not write anything below the words: "Clerk Stamps Here." The district court clerk will put a time-stamp in this space.

Part C. RESPONDENT'S ANSWER

Read each of the numbered paragraphs in the Petition that you received. You should tell the court whether each of the numbered paragraphs is true or not. You should also tell the court if you do not know whether a paragraph is true or not.

1. In this section you should print the paragraph numbers that you think are true. Use the same numbers as in the Petition.

- If you decide later that the paragraphs you list here are not true, it may be too late to change your Answer.

2. In this section you should print the paragraph numbers that you think are <u>not</u> true or you do not agree with. Use the same numbers as in the Petition.

3. In this section you should print the paragraph numbers that you cannot say are true or not true. Use the same numbers as in the Petition.

- This may be because you do not know something such as a date, place, or when something happened.
- If you are not sure about part of the paragraph, you should print the number of that paragraph here.

4. You do not have to print anything in this section.

5. If there is anything else you want to tell the court -- print it on the blank lines in this section.

Part D. REQUEST OF THE RESPONDENT

- In this section, print what you want the court to do. For example, tell the court if you want a divorce.
- Be brief. Do not print long descriptions.

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

Part E. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part F. OATH AND SIGNATURE

Fill in all the blank lines in part **F.**

- On or before the day you file this Answer form at the district court clerks' office, you must mail or give a copy of what you file to the petitioner or the petitioner's attorney, if any. Write in the date you did this.
- Print the address where you want the court and the petitioner to send mail to you. This does not have to be your home address.
- You must mail or give a copy of the Answer to the petitioner. Fill in the date you did this. [Most people do this before or on the day they file the Answer in the district court clerk's office.]

By signing form FL-116 you are stating that the information is true. The court may punish you if you lie on this form.

Checklist of things you should do after you complete the Answer form:

☐ Carefully check your Answer form. Be sure you've answered all questions.

☐ Make two photocopies of the original Answer.

☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all three.

☐ File the original Answer at the district court clerk's office.

☐ Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.

☐ Keep the other copy for your own records.

Keep these instructions. Do <u>not</u> file these instructions with the Answer.

FL-122 MOTION

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(*County where your case is filed*)

B. NAMES

_____
PETITIONER (*Full name: first, middle, last*)

VS.

_____
RESPONDENT (*Full name: first, middle, last*)

Equity case number:

_____

Motion
(*CLERK STAMPS HERE*)

C. REQUEST

1. I am the (*check one*): ☐ Petitioner / ☐ Respondent

2. I ask the court to *(check all that apply):*
   a. ☐ Change the hearing date that has been set for_____, 20____.
   b. ☐ Award me temporary financial support. *(Month & day)* *(Year)*
   c. ☐ Order counseling (conciliation).
   d. ☐ Set a hearing date for a divorce Decree by default.
   e. ☐ Shorten the 90-day waiting period for getting a divorce Decree.
   f. ☐ Other request *(explain):*_____

   _____

3. I am making this request(s) 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 ask this court to grant my Motion. I also certify that I mailed or gave a copy of this Motion to the other party or the other party's attorney (if any) on _____, 20____.
(Month & day) *(Year)*

*Your signature (Required):*_____

Instructions On How to Complete a Motion Form (FL-122)

When to use form FL-122

- If you want to ask the court to do something after your court case has already started, you must do this by filing a Motion.

Do not file or give these instructions to the district court clerk's office.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the Motion and fill in the information. Use the information on the following page to help you fill in the form correctly.

Print clearly when you write information on form FL-122

Continued on the next page

How to Fill in a Motion Form (FL-122)

Part A. IN THE DISTRICT COURT

- On the first blank print the name of the county where the case was filed.

Part B. UPON THE PETITION OF

- Enter the names of the Petitioner and Respondent as they appear on the Petition form (FL-101).
- Write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (FL-101). If you are not sure of the case number, you may ask the district court clerk.
- The district court clerk will stamp the date your motion is filed in the box that says "CLERK STAMPS HERE."

Part C. REQUEST

1. Check the box that tells the court which person you are. If you filed the Petition, you are the Petitioner. If your spouse filed the Petition, you are the Respondent.

2. Check the box or boxes that tell the court what you want. If you check any box, you must tell the court why you are making this request. Write your reason on the blank lines.

Part D. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part E. CERTIFICATION AND SIGNATURE

Fill in the date you mailed or gave a copy of the Motion to the other party (your spouse), and sign the form at the bottom.

Checklist of things you should do after you complete the Motion form:

☐ Carefully check your Motion form. Be sure you've answered all questions.
☐ Make two photocopies of the original Motion.
☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all three.
☐ File the original Motion at the district court clerk's office.
☐ Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
☐ Keep the other copy for your own records.

Keep these instructions! Do <u>not</u> file these instructions with the Motion.

FL-123 **RESPONSE TO A MOTION** **PRINT CLEARLY**

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(*County where your case is filed*)

B. UPON PETITION OF

_____
PETITIONER *(Full name: first, middle, last)*

VS.

_____
RESPONDENT *(Full name: first, middle, last)*

Equity case number:

_____

Response to a Motion
(CLERK STAMPS HERE)

C. OPPOSITION TO REQUEST

1. I am the (*check one*): ☐ Petitioner / ☐ Respondent
2. The other party filed a Motion on *(date stamped on Motion):*_____, 20_____.
   (Month & day) *(Year)*
3. I oppose the following request(s) in that Motion *(check all that apply):*
   a. ☐ To change the hearing date that has been set for_____, 20____.
   b. ☐ To award my spouse temporary financial support. *(Month & day)* *(Year)*
   c. ☐ To order counseling (conciliation).
   d. ☐ To set a hearing date for a divorce Decree by default.
   e. ☐ To shorten the 90-day waiting period for getting a divorce Decree.
   f. ☐ Other request *(explain):*_____

_____

4. I oppose the request(s) 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 ask that this court grant my Response to the Motion. I also certify that I mailed or gave a copy of this Response to a Motion to the other party or that the other party's attorney (if any) on:

_____, 20____. _____
(Month & day) *(Year)* (*Your signature - Required)*

Instructions On How to Complete a Response to a Motion (FL-123)

When to use form FL-123

- If your spouse has filed a Motion (probably using FL-122) and you disagree with what your spouse is asking the court to do in that Motion.

Do not file or give these instructions to the district court clerk's office.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the Response to a Motion and fill in the information. Use the information on the following page to help you fill in the form correctly.

Print clearly when you write information on form FL-123

Continued on the next page

How to Fill in a Response to a Motion (FL-123)

Part A. IN THE DISTRICT COURT

- On the first blank print the name of the county where the case was filed.

Part B. UPON THE PETITION OF

- Enter the names of the Petitioner and Respondent as they appear on the Petition form (FL-101).
- In the box on the right, write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (FL-101). If you are not sure of the case number, you may ask the district court clerk.
- The district court clerk will stamp the date your motion is filed in the box that says "CLERK STAMPS HERE."

Part C. OPPOSITION TO REQUEST

1. Check the box that tells the court which person you are. If you filed the Petition, you are the Petitioner. If the other side filed the Petition, you are the Respondent.

2. Fill in the date that your spouse filed the Motion (probably form FL-122); use the date that is stamped in the box that says: "CLERK STAMPS HERE."

3. Check the box or boxes that match the request(s) in your spouse's Motion that you disagree with.

4. Write in an explanation for why you oppose the requests your spouse made in the Motion (FL-122).

Part D. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you *must* fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part E. CERTIFICATION AND SIGNATURE

Fill in the date you mailed or gave a copy of form FL-123 to the other party. Sign the form at the bottom.

Checklist of things you should do after you complete form FL-123:

- ☐ Carefully check your Response to a Motion form. Be sure you've answered all the questions.
- ☐ Make two photocopies of the original Response to a Motion form.
- ☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all three.
- ☐ File the original Response to a Motion at the district court clerk's office.
- ☐ Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
- ☐ Keep the other copy for your own records.

FL-124 **FINANCIAL AFFIDAVIT FOR DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN**

PRINT CLEARLY

A. **IN THE DISTRICT COURT FOR** _____ **COUNTY, IOWA**
(*County where your case is filed*)

IN RE THE MARRIAGE OF: _____ and _____
(*Petitioner's name*) (*Respondent's name*)

B. **UPON THE PETITION OF**

_____
PETITIONER (*Full name: first, middle, last*)

AND CONCERNING

_____
RESPONDENT (*Full name: first, middle, last*)

Equity case number:

_____

Financial Affidavit for Dissolution of Marriage With No Minor Children
(CLERK STAMPS HERE)

C. **Financial Statement of** (*check the one that applies to you*):
☐ Petitioner
☐ Respondent

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

D. **ASSETS**

ASSETS: Things you and your spouse own. *(You may add extra sheets if needed.)*

*Owner (Whose name is on the deed or title?): ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

Type of Assets	**Owner*** *(H, W, J)*	**Market Value** *(What it would sell for)*	**Debt** *(Total amount you still owe on it)* **and to Whom Owed**	**Net Value** *(Market value minus debt owed)*
1. Real estate Homestead (address)		$	$	$
Other real estate (address):		$	$	$

ASSETS --- Continued

*Owner (Whose name is on the car/vehicle title?): ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

2. Vehicles *(Make, year):*	**Owner*** *(H, W, J)*	**Market Value** *(What it would sell for)*	**Debt** *(Total amount you still owe on it)* **and to Whom Owed**	**Net Value** *(Market value minus debt owed)*
		$	$	$
		$	$	$
		$	$	$

*Owner (Whose name is on the stocks or bonds?): ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

3. Securities / Stocks & bonds *(Company name):*	**Owner*** *(H, W, J)*	**Market Value** *(What it would sell for)*	**Debt** *(Total amount you still owe on it)* **and to Whom Owed**	**Net Value** *(Market value minus debt owed)*
		$	$	$
		$	$	$
		$	$	$

*Owner (Whose name is on the policy?): ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

4. Life Insurance *(Company name):*	**Owner*** *(H, W, J)*	**Cash Value** *(Not death benefit)*	**Loan from Cash Value** *(Total amount still owed on loan)*	**Net Value** *(Cash value minus loan owed)*
		$	$	$
		$	$	$
		$	$	$

*Owner (Whose name is on the bank/credit union account?): ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

5. Checking & Savings Accounts *(Bank or credit union name):*	**Owner*** *(H, W, J)*	**Cash Value**	**Personal loans or overdraft accounts** *(Total amount you still owe on it)*	**Net Value** *(Cash value minus loan/overdraft owed)*
		$	$	$
		$	$	$
		$	$	$

ASSETS --- Continued

*Owner: ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

6. Household Contents	**Owner*** *(H, W, J)*	**Market Value** *(What it would sell for)*	**Debt** *(Total amount you still owe on it)* **and to Whom Owed**	**Net Value** *(Market value minus debt owed)*
Furniture		$	$	$
		$	$	$
		$	$	$
		$	$	$
Appliances/Electronics		$	$	$
		$	$	$
		$	$	$
		$	$	$
Other (*write in*):		$	$	$
		$	$	$
		$	$	$

*Owner (Whose name is on the retirement account?): ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

7. Retirement Assets *(Examples: Pensions, IRAs, 401(k)s, Annuities, etc.)*	**Owner*** *(H, W, J)*	**Market Value** *(What it would sell for)*	**Loans from Retirement Account and to Whom Owed** *(Total amount you still owe on it)*	**Net Value** *(Market value minus loan owed)*
		$	$	$
		$	$	$
		$	$	$

*Owner: ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint (Both)*

8. Other Assets – List:	**Owner*** *(H, W, J)*	**Market Value** *(What it would sell for)*	**Debt and to Whom Owed** *(Total amount you still owe on it)*	**Net Value** *(Market value minus debt owed)*
		$	$	$
		$	$	$
		$	$	$
9. Total Net Value of Assets				**$**

E. OTHER DEBTS

10. Other Debts (List only those not included as "debt" or "loans" under "Assets" in part **D.**)

*Whose debt is it? ***H*** = *Husband* ***W*** = *Wife* ***J*** = *Joint* (Both)

Name of Person or Business You and/or Your Spouse Owe	**Whose debt?*** *(H, W, J)*	**Amount owed**
a.		$
b.		$
c.		$
d.		$
e.		$
f.		$
g.		$
h.		$
i.		$
j.		$
k.		$
l.		$
m.		$
n.		$
o.		$

p. ☐ Check this box if you have attached a sheet with additional information on other debts.

11. Total Other Debts *(including amounts shown on attached sheet, if any).*	**$**

F. INCOME

12. Current Income for Wife

*How often paid: ***W*** = *Weekly* ***B*** = *Bi-weekly (Every other week)* ***M*** = *Monthly* ***T*** = *Two times a month*

Sources of Income:	**How often paid?** (W, B, M, T)*	**Gross Amount** *(Before deductions)*
a. Wages from employer *(name):*		$
b. Wages from employer *(name):*		$
c. Unemployment assistance		$
d. Family Investment Program		$
e. Social Security		$
f. Other *(identify):*		$
g. Other *(identify):*		$
h. Other *(identify):*		$

i. ☐ Check this box if you have attached a sheet with additional information on the Wife's income.

13. Deductions taken from Wife's income

*How often taken: ***W*** = *Weekly* ***B*** = *Bi-weekly (Every other week)* ***M*** = *Monthly* ***T*** = *Two times a month*

Income deduction taken from:	**Deduction for:** *(Federal tax, state tax etc.)*	**How often taken?** (W, B, M, T)*	**Amount of deduction:**
a. Wages from employer *(name):*			$
b. Wages from employer *(name):*			$
c. Unemployment assistance			$
d. Family Investment Program			$
e. Social Security			$
f. Other *(identify):*			$
g. Other *(identify):*			$
h. Other *(identify):*			$

i. ☐ Check this box if you have attached a sheet with additional information on the Wife's deductions.

14. Current Income for Husband

*How often paid: ***W*** = *Weekly* ***B*** = *Bi-weekly (Every other week)* ***M*** = *Monthly* ***T*** = *Two times a month*

Sources of Income:	**How often paid?** (W, B, M, T)*	**Gross Amount** *(Before deductions)*
a. Wages from employer *(name):*		$
b. Wages from employer *(name):*		$
c. Unemployment assistance		$
d. Family Investment Program		$
e. Social Security		$
f. Other *(identify):*		$
g. Other *(identify):*		$
h. Other *(identify):*		$

i. ☐ Check this box if you have attached a sheet with additional information on the Husband's income.

15. Deductions taken from Husband's income:

*How often taken out: ***W*** = *Weekly* ***B*** = *Every other week* ***M*** =*Monthly* ***T*** = *Two times a month*

Income deduction taken from:	**Deduction for:** *(Federal tax, state tax etc.)*	**How often taken?** (W, B, M, T)*	**Amount of deduction:**
a. Wages from employer *(name):*			$
b. Wages from employer *(name):*			$
c. Unemployment assistance			$
d. Family Investment Program			$
e. Social Security			$
f. Other *(identify):*			$
g. Other *(identify):*			$
h. Other *(identify):*			$

i. ☐ Check this box if you have attached a sheet with additional information on the Husband's deductions.

G. EXPENSES

16. Living Arrangements *(check one)*

☐ My spouse and I live in the same home.
☐ My spouse and I do not live in the same home.

17. My Expenses: (Note: You must complete this section if you or your spouse wants alimony.)

*How often paid: ***W***=*Weekly* ***B***=*Bi-weekly (every other week)* ***M*** *= Monthly*
T *= Two times a month* ***A***=*Annually*

Type of Expense	**Owed to:**	**How often paid** (W, B, M, T, A)*	**Monthly Amount**
a. House payment or rent			$
b. Food *(at home & restaurants)*			$
c. Transportation (gas, bus fare) *(not car loan payments – see l.)*			$
d. Clothing			$
e. Medical, dental *(not insurance payments, see j)*			$
f. Utilities *(gas, electric)*			$
g. Telephone/cell phone			$
h. Cable/satellite television			$
i. Car insurance payment			$
j. Health insurance payment			$
k. Credit card payments			$
l. Car loan payments			$
m. Other loan payments			$
n. Other expense *(identify):*			$
o. Other expense *(identify):*			$

H. 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)*

I. OATH AND SIGNATURE

I, _____ have read the above Financial
(*Print your name*)
Affidavit. I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the information I have provided in this Financial Affidavit is true and correct and that I gave or mailed a copy of this document to the other party or the other party's attorney (if any) on this _____ day of _____, 20____.
(Month) *(Year)*

_____
(*Your signature)*

Instructions On How to Complete a Financial Affidavit For a Dissolution of Marriage With No Minor Children (FL-124)

Keep these instructions. Do not file these instructions with the district court clerk's office.

Each party (Petitioner and Respondent) in a Dissolution of Marriage (divorce) case must complete his or her own Financial Affidavit form (FL-124)

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice.

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the Affidavit and fill in the information. Use the information on the following pages to help you fill in the form correctly.

Remember:
Do not file these instructions with the Financial Affidavit.

How to Fill in Form FL-124

Parts A. and **B.** Fill in the blanks as they appear on the Petition form (**FL-101**).

Part C. FINANCIAL STATEMENT OF

- You are the Petitioner if you filed the Petition for Dissolution of Marriage (divorce).
- You are the Respondent if your spouse filed the Petition and served it on you.
- Print your full name.

Part D. ASSETS

- Assets are things you or your spouse own. (See how "owner" is defined below.)
- You must list all of your assets in this section.
- Be as accurate as you can.
- If you do not have enough room on the form, you may write the rest of the information on another sheet and attach it to the form.
- If you use another sheet, write the information in the same way it was asked on the form.

Type of Asset: Write the name or a description of the asset here.

Owner: "Owner" means the person who has his or her name on the deed (for real estate), title (for vehicles), policy (for insurance), or account (for banks and credit unions). Write in the letter that represents the person who owns this asset.

- Write H if the husband owns it.
- Write W if the wife owns it.
- Write J (for joint ownership) if both the husband and the wife own the asset together.

Market Value: This is how much the asset is worth if you are selling it today.

Debt: This is the money you owe on the asset, sometimes called a lien, mortgage, loan, or security interest.

- If you have a loan -- such as a car loan -- put the total amount you owe (the balance) here. Do *not* write in your *monthly payment*. (You can write in your monthly payments on loans or credit cards under "My Expenses," in part **G.** 17.)

Net Value – If you subtract the amount you owe (the debt) from the price you could sell the asset for today (market or cash value), what is left is the net value.

1. Real Estate

- In the first row, "Homestead" means the home you own and where you usually live.
- In the "Other real estate" row, list all houses, apartments or land you own.
- The "owner" is the person or persons who have their names on the deed.
- "Net value" is the "market value" (column 3) minus the "debt owed" (column 4).

2. Vehicles

- List all cars, trucks, motorcycles or other motorized vehicles that you and/or your spouse own.
- The "make" means the manufacturer. For example: Chevrolet, Ford, Dodge, or Toyota.
- The "owner" is the person who has his or her name on the car title.
- "Net value" is the "market value" (column 3) minus the "debt owed" (column 4).

3. Securities

- List stocks, bonds, and brokerage accounts.
- The "owner" is the person who has his or her name on the stocks or bonds.
- "Net value" is the "market value" (column 3) minus the "debt owed" (column 4).

4. Life Insurance

- List all life insurance policies.
- The cash value of a policy is the money you would get back if you cancelled the policy. If you have a loan on the policy, list it as a "Loan from Cash Value" in the fourth column.
- The "owner" is the person who has his or her name on the policy.
- "Net value" is the "cash value" (column 3) minus the "loan from cash value" (column 4).

5. Checking and Savings Accounts

- Write in the name of the bank and all checking, savings, money market accounts, or certificates of deposit you have with each bank.
- If you do not use bank accounts, write "cash" on the line and put the amount of cash you have.
- The "owner" is the person who has his or her name on the bank account.
- "Net value" is the "cash value" (column 3) minus the "personal loans or overdraft accounts" (column 4).

6. Household Contents

- This includes your furniture, appliances, electronics and other items in your home.

7. Retirement

- List all retirement accounts, pensions, 401(k)s, IRAs, and annuities

8. Other Assets

- Anything that is not listed in the other boxes goes here.
- Examples are jewelry, furs, guns, sporting goods, farm animals

9. Total Net Value of Assets

- Add all the numbers in the "Net Value" column in items 1 through 8.and put the total of those numbers in the box.

Part E. OTHER DEBTS

- Debts may include things such as past due balances on utilities, money owed to a landlord for damages after you move out, credit card debt, and loans from friends, family, or banks.

10. Debts not listed above:

- In this part list the money you or your spouse owe that you did not include in the "Debt" or "Loan" column in items 1 through 8.
- Check the box next to the letter "p." if you have attached a separate sheet of paper with more information on other debts.
  - Write this on the top of the separate sheet: "Item 10: Other Debts."
  - Write the information in the same way it appears in the table for item 10.
- Write your signature at the bottom of the separate sheet.

11. Total Debts

- Add the amounts owed in 10 and put the total in the box in 11.

Part F. INCOME

12. Current Income for Wife

- List all types of current income.
- Enter the "gross income," which is the income before any deductions are taken from the check.
- If you are the husband, give your best estimate.
- Write how often the wife is paid.
  - Monthly is when a person is paid one time a month.
  - Bi-weekly is when a person is paid every other week.
  - Twice a month is when a person is paid two times a month, such as on the 1st and the 15th of the month.
  - Weekly is when a person is paid every week.
- Check the box next to the letter "i." if you have attached a separate sheet of paper with more information on the Wife's income.
  - Write this on the top of the separate sheet: "Item 12: Current Income of Wife."
  - Write the information in the same way it appears in the table for item 12.
  - Write your signature at the bottom of the separate sheet.

13. Deductions taken from Wife's income

- List all deductions.
- If you are the husband, give your best estimate.
- Check the box next to the letter "i." if you have attached a separate sheet of paper with more information on the Wife's deductions.
  - Write this on the top of the separate sheet: "Item 13: Deductions from Wife's Income."
  - Write the information in the same way it appears in the table for item 13.
  - Write your signature at the bottom of the separate sheet.

14. Current Income for Husband

- List all types of current income.
- Enter the "gross income," which is the income before any deductions are taken from the check.
- If you are the wife, give your best estimate.
- Write how often the husband is paid.
  - Monthly is when a person is paid one time a month.
  - Bi-weekly is when a person is paid every other week.
  - Twice a month is when a person is paid two times a month, such as on the 1st and the 15th of the month.
  - Weekly is when a person is paid every week.
- Check the box next to the letter "i." if you have attached a separate sheet of paper with more information on the Husband's income.
  - Write this on the top of the separate sheet: "Item 14: Current Income of Husband."
  - Write the information in the same way it appears in the table for item 14.
  - Write your signature at the bottom of the separate sheet.

15. Deductions taken from Husband's income

- List all deductions
- If you are the wife, give your best estimate
- Check the box next to the letter "i." if you have attached a separate sheet of paper with more information on the deductions from Husband's income.
  - Write this on the top of the separate sheet: "Item 15: Deductions from Husband's Income."
  - Write the information in the same way it appears in the table for item 15.
  - Write your signature at the bottom of the separate sheet.

Part G. EXPENSES

16. Living Arrangements: Check the one that applies to you.

17. My Expenses

- The form lists several types of expenses that almost everyone has to pay at some time each year. Write in
  - Who you pay these expenses to – under "Owed to"
  - How often you pay each type of expense – under "How often paid"
  - The approximate amounts you pay each month under – "Monthly Amount"
- If you have expenses that are not on the list, add them under "Other expense."

Part H. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you *must* fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part I. OATH AND SIGNATURE

Fill in all the blank lines in this section.

By signing this form you are stating that the information on this form is true. The court may punish you if you lie on this form.

Checklist of things you should do after you complete the Affidavit:

☐ Carefully check your Financial Affidavit form. Be sure you've answered all questions.

☐ Make two photocopies of the original Financial Affidavit.

☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all of them.

☐ File the original Financial Affidavit at the district court clerk's office.

☐ Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.

☐ Keep the other copy for your own records.

Keep these instructions.

Do not file these instructions with the Financial Affidavit.

FL-125 AFFIDAVIT OF MAILING NOTICE

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(County where your case is filed)

IN RE THE MARRIAGE OF: _____ and _____
(*Petitioner's name*) (*Respondent's name*)

B. UPON THE PETITION OF

_____
PETITIONER (*Full name: first, middle, last*)

AND CONCERNING

_____
RESPONDENT (*Full name: first, middle, last*)

Equity case number:

_____

Affidavit of Mailing Notice
(CLERK STAMPS HERE)

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. PETITIONER'S 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 _____, 200____, I sent by ordinary mail, with proper postage affixed, 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 the other party's last-known address as follows:

_____
(*Street address*)

_____ _____ _____
(*City*) (*State*) (*Zip code*)

Petitioner's signature: _____

Notice to the Petitioner: You *must* file this form at the district court clerk's office if you served Notice by Publication in a newspaper – OR – if you ask the court for a final Decree by default.

FL-126 **NOTICE OF INTENT TO FILE WRITTEN APPLICATION FOR DEFAULT DECREE**

PRINT CLEARLY

A. **IN THE DISTRICT COURT FOR** _____ **COUNTY, IOWA**
(*County where your case is filed*)

B. **UPON PETITION OF**

_____
PETITIONER (*Full name: first, middle, last*)

VS.

_____
RESPONDENT *(Full name: first, middle, last*)

Equity case number:

_____

Notice of Intent to File Written Application for Default Decree
(CLERK STAMPS HERE)

C.

TO: _____
(Respondent's Name: First, Middle, Last)

DATE OF NOTICE: _____

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN **TEN 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.

_____
Signature of Petitioner or Petitioner's Attorney

_____ _____ _____ _____
Petitioner's Street Address *City* *State* *Zip Code*

_____
Petitioner's Telephone Number

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

FL-127 REQUEST FOR RELIEF IN A DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(*County where the Petition was filed*)

IN RE THE MARRIAGE OF: _____ and _____
(*Petitioner's name*) (*Respondent's name*)

B. UPON THE PETITION OF

_____
PETITIONER (*Full name: first, middle, last*)

AND CONCERNING

_____
RESPONDENT (*Full name: first, middle, last*)

Equity case number:

_____

Request for Relief in a Dissolution of Marriage With No Minor Children
(*CLERK STAMPS HERE*)

C. PERSONAL INFORMATION

1. Husband: _____
(*Name*)

_____ _____ _____ _____
(*Present street address*) (*City*) (*State*) (*Zip code*)

_____ _____
(*County*) (*Date of birth*)

2. Wife: _____
(*Name*)

_____ _____ _____ _____
(*Present street address*) (*City*) (*State*) (*Zip code*)

_____ _____
(*County*) (*Date of birth*)

D. REQUEST FOR RELIEF

3. Children *(check all that are true)*:

a. ☐ There are no children under the age of 18 who are children of both the husband and the wife.

b. ☐ There are no children under the age of 18 who were adopted or born during this marriage.

c. ☐ There are no children 18 years of age or older who still need support.

d. ☐ The wife is not pregnant.

4. Breakdown of Marriage. The marriage has broken down and cannot be saved.

5. Counseling. Counseling will not save the marriage.

6. Waiting Period Before Decree *(check only one):*

a. ☐ More than 90 days have passed since Respondent was served with an Original Notice.

b. ☐ I want the court to take action right away without a separate hearing. I have no children affected by this action. The wife is not pregnant. This paper explains how I would like to settle all issues in my divorce.

7. Financial Statements.

a. ☐ I filed a Financial Statement. I certify that I have fully disclosed all income and the identity and value of all assets and debts.

b. ☐ I am asking that the court not require me to file a financial statement because:

_____

8. Division of Personal Property *(check only one)***:**

a. ☐ All of the personal property obtained during the marriage has been divided. I ask that Husband will keep the personal property in his possession and Wife will keep the personal property in her possession.

b. ☐ I ask that our personal property be divided as follows:

(*Attach additional sheets if necessary.*)

(1) Husband will get the following as his separate personal property: _____

_____

_____

_____

(2) Wife will get the following as her separate personal property: _____

_____

_____

_____

9. Division of Real Estate.

a. Ownership of Real Estate *(check only one)***:**

(1) ☐ We do not own any real estate *(if you check this box, skip to* **10** *).*

(2) ☐ We own real estate located at: (address) _____

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

_____

_____

b. The Real Estate shall be *(check only one):*

(1) ☐ Sold and the profit or debt divided _____% to Husband and _____% to Wife.

(2) ☐ Awarded to Husband, subject to all liens and mortgages.

(3) ☐ Awarded to Wife, subject to all liens and mortgages.

(4) ☐ Other (describe): _____

_____

10. Division of Debts *(check only one):*

a. ☐ There are no debts.

b. ☐ I have listed all the debts I know about and ask that they be divided as follows:
(*Attach additional sheets if necessary.*)

(1) Husband will pay the following debts:

(a) Business or person to whom a debt is owed	(b) Account number - if any *(Last 4 numbers only)*	(c) Total Amount Still Owed
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

(2) Wife will pay the following debts:

(a) Business or person to whom a debt is owed	(b) Account number - if any *(Last 4 numbers only)*	(c) Total Amount Still Owed
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Any of my spouse's debts that I do not know about should be paid by my spouse.

11. Cash Payment *(check only one)*:

a. ☐ I ask that neither Husband nor Wife pay any money to the other.

b. ☐ I ask that Husband pay Wife $_____ to equalize the division of property and debts.

c. ☐ I ask that Wife pay Husband $_____ to equalize the division of property and debts.

12. Alimony *(check only one)*:

a. ☐ I ask that neither Husband nor Wife pay alimony to the other.

b. ☐ I ask that alimony be paid as follows:

_____

_____

13. Name Change. I ask that my name *(check only one)*:

a. ☐ Not be changed

b. ☐ Be changed to _____

14. Court Fees. I ask that *(check only one)*:

a. ☐ All court fees will be paid by Husband.

b. ☐ All court fees will be paid by Wife.

c. ☐ Husband and Wife shall each pay one-half of the remaining court fees.

d. ☐ Husband and Wife shall each pay one-half of the total court fees.

15. Attorney's Fee *(check only one)*

a. ☐ I have no attorney's fees.

b. ☐ I will pay my own attorney's fees.

c. ☐ I ask that my spouse pay me $_____ for attorney's fees.

16. 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.

17. Other Request for Relief

_____

_____

_____

_____

18. 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 this request for relief to be approved by the court and made part of the final Decree.

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 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 my divorce. I ask that this document be presented to a judge for approval and filing with the court. I also certify that I gave or mailed a copy of this Request for Relief to the other party or the other party's attorney (if any) on *(date):* _____, 20_____.

_____
My Signature

_____
My Printed Name

Instructions for Completing a Request for Relief in a Dissolution of Marriage With No Minor Children (FL-127)

Use this form only if:

- You have already filed a Petition for Dissolution of Marriage with No Minor Children – AND:
  - Your spouse did not file an Answer to the Petition – **OR** –
  - Your spouse will not work with you to fill in **FL-128** (Settlement Agreement for a Dissolution of Marriage With No Minor Children).

To use this form, all of these must also be true:

- There are no children <u>under</u> the age of 18 who are children of both the husband and the wife.
- There are no children <u>under</u> the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support
- The wife is not pregnant.
- Your spouse lives in Iowa or you have lived in Iowa for the last year before you filed the Petition for Dissolution of Marriage with No Minor Children.

Do not use this form if any of these are true:

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

Examples: The child is 18 years of age but is still in high school.
The child is 18 years of age or older but is in college or disabled and needs support.

No forms are available for these situations:

- You want to divide property, but are not married.
- You have children with another person and you want to have custody of the children, but you are not married.
- You and your spouse are divorced, but you want to change something in the divorce order.
- You want support for yourself or your children, but you do not want a divorce.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice.

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the Request for Relief and fill in the information. Use the information on the following pages to help you fill in the form correctly.

Print clearly when you write information on this form

How to Fill In Form FL-127

Part A. IN THE DISTRICT COURT

- On the first line print the name of the county where the Petition was filed.
- On the second line print your spouse's full name and your legal name, as they appear on the Petition. Use the legal names you have now.

Part B. UPON THE PETITION

- Fill in the lines in part **B.** as they appear on the Petition form (**FL-101**).
- In the box on the right, write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (**FL-101**). If you don't know the Equity case number, you may ask the district court clerk.
- The district court clerk will stamp the date your answer is filed under "Clerk Stamps Here."

Part C. PERSONAL INFORMATION

If you have been assaulted by your spouse and you fear for your safety, you may leave your address and phone number blank.

1. On the blank write in the Husband's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

2. On the blank write in the Wife's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

Part D. REQUEST FOR RELIEF

3. Children: If there are children under age 18 -- or if the wife is pregnant -- you **cannot use this form.** You should talk to an attorney.

a. Check the box if there are no children <u>under</u> the age of 18 who are the children of **both** the husband and the wife.

- If the husband and wife had children together (born or adopted) <u>before</u> the marriage and the children are under the age of 18, **you cannot use this form**.
- If the husband and wife had children together (born or adopted) <u>during</u> the marriage and the children are under the age of 18, **you cannot use this form**.

b. Check the box if there are no children <u>under</u> the age of 18 who were adopted or born while the wife and husband were married.

- If any children under the age of 18 were born or adopted during the marriage, **you can not use this form**. You cannot use this form *even if the husband is <u>not</u> the father*.

c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.

- If there are children 18 years of age or older who need support, **you cannot use this form**.
- Examples:
  - A child is 18 years of age but is still in high school.
  - A child is 18 years of age or older but is in college or disabled and needs support.

d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

4. Breakdown of Marriage. This statement is required for a Dissolution of Marriage in Iowa.

5. Counseling. This statement is required for a Dissolution of Marriage in Iowa.

6. Waiting Period Before the Decree.

a. If more than 90 days have passed since Respondent was served with notice of this action, check the box.

b. If less than 90 days have passed since Respondent was served with notice of this action, read "b" carefully and check if it is true.

7. Financial Statements.

a. If "a" is true, check the box.

b. If "b" is true, check the box.

- The Financial Statement you file will give the court a complete record of your financial situation. If you are asking the court not to make you file financial statements, print the reasons why on the line provided.

8. Division of Personal Property. Check one.

a. If "a" is true, check the box – then go to **9**.

b. Check "b" if the personal property obtained during the marriage has not yet been divided.

- Print a list of the personal property you want to be given to the Husband.
- Print a list of the personal property you want to be given to the Wife.

9. Division of Real Estate

a. **Ownership of Real Estate**

(1) Check this if Husband and Wife do not own any real estate. Then go to **10**.

(2) Check this if Husband and Wife do own any real estate. Then fill in the address of the real estate and the legal description of the land as it is described in the deed or contract.

b. **How the Real Estate will be Divided**

(1) Check this if you want the real estate identified in **9**.a.(2) to be sold. Then write in the percentage of the profit or debt left over after the sale that you want to go to the Husband and the Wife. Then go to **10**.

(2) Check this if you want the Husband to become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.

(3) Check this if you want the Wife to become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.

10. Division of Debts

Check only one:

a. Check this box if there are no debts owed by either spouse. Then go to **11**.

b. Check this box if there are debts. This tells the court how you want all debts divided.

(1) Husband will pay the following debts:

- (a) In the first column, write in the full name of the business or person to whom you owe a debt.
- (b) In the second column, write in the last four numbers of the "Account Number" – if there is one. If there is no account number, write in a description such as "personal loan."
- (c) In the third column, write in the "Total Amount Still Owed." This is the remaining balance owed, not your monthly payment:

Examples:

(a) Business or person to whom a debt is owed	(b) Account number - if any *(Last 4 numbers only)*	(c) Total Amount Still Owed
Capitol Bank Mastercard	1357	$5,000
Ford Credit Corp.	2468	$11,500
U.S. Bank Visa Card	3579	$4,250
Charles Berkley	Personal loan	$200

(2) Wife will pay the following debts: Fill in the debts that the wife will pay. Follow the examples above.

11. Cash Payment. You may check only one of these:

a. If "a" is true, check the box.

b. If you want Husband to pay Wife a cash payment, write the amount of money that he will be paying her.

c. If you want Wife to pay Husband a cash payment, write the amount of money that she will be paying him.

12. Alimony. You may check only one of these:

a. If "a" is true, check the box.

b. Check "b" to request alimony be paid. In the lines that follow, write what you want as the terms of the alimony.

13. Name Change.

a. Check this box if you do not want your name changed.

b. Check this box if you want to change your name. Write in the new name in the blank space.

14. Court Fees. You may check only one of these to tell the court what you want.

a. Check "a" if you want Husband to pay the court fees.
b. Check "b" if you want Wife to pay the court fees.
c. Check "c" if you want Husband and Wife to each pay one-half of the remaining court fees.
d. Check "d" if you want Husband and Wife to each pay one-half of the total court fees.

15. Attorney Fees. You may check only one of these to tell the court what you want.

a. If this is true, check the box.
b. If this is true, check the box.
c. If this is true, check the box. Fill in the dollar amount you want to be paid by your spouse.

16. Necessary Documents. This statement is required.

17. Other Request for Relief. If you want something else that is not covered in the rest of the Request for Relief, write a brief description of what you want in the space provided.

18. Statements of Understanding and Fact. Check all that are true.

a. If "a" is true, check the box.
b. If "b" is true, check the box.
c. If "c" is true, check the box.

Part E. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part F. OATH AND SIGNATURE

Sign your name on the line provided, then print your name on the line below it.

By signing this form you are stating that the information on this form is true. **The court may punish you if you lie on this form.**

Checklist of things you should do after you complete the Request form:

☐ Carefully check your Request for Relief form. Be sure you've answered all questions.

☐ Make two photocopies of the original form.

☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all of them.

☐ File the original Request for Relief form at the district court clerk's office.

☐ Ask the district court clerk to give the Request for Relief to a judge for approval. You may need a hearing date when you can meet with a judge to discuss your Request for Relief.

☐ Soon after you leave the district court clerk's office, deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.

☐ Keep the other copy for your own records.

Remember:

Keep these instructions.
Do not file these instructions with the Request for Relief.

FL-128 SETTLEMENT AGREEMENT FOR A DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN

PRINT CLEARLY

A. IN THE DISTRICT COURT FOR _____ COUNTY, IOWA
(*County where the Petition was filed*)

IN RE THE MARRIAGE OF: _____ and _____
(*Petitioner's name*) (*Respondent's name*)

B. UPON THE PETITION OF

_____
PETITIONER (*Full name: first, middle, last*)

AND CONCERNING

_____
RESPONDENT (*Full name: first, middle, last*)

Equity case number:

_____

Settlement Agreement for a Dissolution of Marriage With No Minor Children
(CLERK STAMPS HERE)

C. PERSONAL INFORMATION

1. Husband's: _____
(*Name*)

_____ _____ _____ _____
(*Present street address*) (*City*) (*State*) (*Zip code*)

_____ _____
(*County*) (*Date of birth*)

2. Wife's: _____
(*Name*)

_____ _____ _____ _____
(*Present street address*) (*City*) (*State*) (*Zip code*)

_____ _____
(*County*) (*Date of birth*)

D. AGREEMENTS

We agree to the following:

3. Children *(check all that are true)*:

a. ☐ There are no children under the age of 18 who are children of both the husband and the wife.

b. ☐ There are no children under the age of 18 who were adopted or born during this marriage.

c. ☐ There are no children 18 years of age or older who still need support.

d. ☐ The wife is not pregnant.

4. Breakdown of Marriage. The marriage has broken down and cannot be saved.

5. Counseling. Counseling will not save the marriage.

6. Waiting Period Before Final Decree *(check one):*

a. ☐ More than **90 days** have passed since Respondent accepted service or was served with an Original Notice.

b. ☐ We want the court to take immediate action without a separate hearing because we have no children affected by this case, the wife is not pregnant, and we agree on how to settle all issues in our divorce.

7. Financial Statements *(check one):*

a. ☐ Husband has filed a Financial Statement. He certifies that he has fully disclosed all income and the identity and value of all assets and debts.

b. ☐ Wife has filed a Financial Statement. She certifies that she has fully disclosed all income and the identity and value of all assets and debts.

c. ☐ We ask the court to not require us to file Financial Statements because: _____

_____

8. Division of Personal Property *(check one)***:**

a. ☐ We have divided our personal property. Husband will keep the personal property in his possession. Wife will keep the personal property in her possession. *(If you check this box, skip to* **9***.)*

b. ☐ Our personal property will be divided as follows (*Attach additional sheets if necessary*):

(1) Husband will get the following as his separate personal property: _____

_____

_____

_____

(2) Wife will get the following as her separate personal property: _____

_____

_____

_____

9. Division of Real Estate

a. Ownership of Real Estate *(check one):*

(1) ☐ We do not own any real estate *(if you check this box, skip to* **10** *).*

(2) ☐ We own real estate located at (*address*) _____

in the city of _____, county of _____, state of _____. This land is described in the deed as follows: _____

_____

_____.

b. The Real Estate shall be *(check one):*

(1) ☐ Sold and the profit or debt is divided _____% to Husband and _____% to Wife.
(2) ☐ Awarded to Husband, subject to all liens and mortgages.
(3) ☐ Awarded to Wife, subject to all liens and mortgages.

(4) ☐ Other (describe): _____

_____

10. Division of Debts (*check one*):

a. ☐ There are no debts.

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

(1) Husband will pay the following debts:

(a) Business or person to whom a debt is owed	(b) Account number - if any *(Last 4 numbers only)*	(c) Total Amount Still Owed
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

(2) Wife will pay the following debts:

(a) Business or person to whom a debt is owed	(b) Account number - if any *(Last 4 numbers only)*	(c) Total Amount Still Owed
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Any debts that we do not know about should be paid by the spouse who made the debt.

11. Cash Payment to Equalize the Division of Property and Debts *(check one)*:

a. ☐ Neither Husband nor Wife will pay any money to the other.

b. ☐ Husband will pay Wife $_____ by (date): _____

c. ☐ Wife will pay Husband $_____ by (date): _____

12. Alimony *(check one)*:

a. ☐ Neither Husband nor Wife will pay alimony to the other.

b. ☐ Husband will pay alimony to Wife as follows: _____

_____

c. ☐ Wife will pay alimony to Husband as follows: _____

_____

13. Name Change.

a. Husband's name *(check one)*:

(1) ☐ Will not be changed

(2) ☐ Will be changed to _____

b. Wife's name *(check one)*:

(1) ☐ Will not be changed

(2) ☐ Will be changed to _____

14. Court Fees *(check one)**:***

a. ☐ All court fees will be paid by Husband.
b. ☐ All court fees will be paid by Wife.
c. ☐ Husband and Wife shall each pay one-half of the remaining court fees.
d. ☐ Husband and Wife shall each pay one-half of the total court fees.

15. Attorney's Fee.

a. Husband's attorney's fees *(check one)*:
(1) ☐ Husband has no attorney's fees
(2) ☐ Husband will pay his own attorney's fees
(3) ☐ Wife will pay $_____ for Husband's attorney's fees.

b. Wife's attorney's fees *(check one)*:
(1) ☐ Wife has no attorney's fees
(2) ☐ Wife will pay her own attorney's fees
(3) ☐ Husband will pay $_____ for Wife's attorney's fees.

16. Necessary Documents. We will sign and promptly deliver to each other any papers that may be needed to carry out this agreement.

17. Other Agreements (*Attach additional sheets if necessary.*)

_____

_____

_____

_____

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

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 this agreement to be approved by the court and made part of the final Decree.

Wife'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 "Marital Settlement Agreement" above 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 document be presented to a Judge for approval and filing with the court.

_____
Wife's Signature

_____ _____
Date signed by Wife *Wife's Printed Name*

Husband'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 "Marital Settlement Agreement" above 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 document be presented to a Judge for approval and filing with the court.

_____
Husband's Signature

_____ _____
Date signed by Husband *Husband's Printed Name*

Instructions on How to Complete a Settlement Agreement for Dissolution of Marriage With No Minor Children (FL-128)

Do not file or give these instructions to the district court clerk's office.

Use this form only if all of these are true:

- You and your spouse both agree to this Settlement Agreement.
- You have already filed a Petition for Dissolution of Marriage with No Minor Children
- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support.
- The wife is not pregnant.
- Your spouse lives in Iowa or you have lived in Iowa for the last year before you filed the Petition for Dissolution of Marriage with No Minor Children.

Do not use this form if any of these are true:

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

Examples: The child is 18 years of age but is still in high school.
The child is 18 years of age or older but is in college or disabled and needs support.

No forms are available for these situations:

- You want to divide property, but are not married.
- You have children with another person and you want to have custody of the children, but you are not married.
- You and your spouse are divorced, but you want to change something in the divorce order.
- You want support for yourself or your children, but you do not want a divorce.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice.

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

If this is the form you need:

- Begin at the top of page 1 on the Settlement Agreement and fill in the information. Use the information on the following pages to help you fill in the form correctly.

Print clearly when you write information on this form.

It is illegal to sign another person's signature on any court form.

How to Fill in Form FL-128

Part A. IN THE DISTRICT COURT

- On the first line print the name of the county where the Petition was filed.
- On the second line print your spouse's full name and your full name, as they appear on the Petition. Use the legal names you have now.

Part B. UPON THE PETITION OF

- Fill in the lines in part **B.** as they appear on the Petition form (**FL-101**).
- In the box on the right, write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (**FL-101**) and almost all other court forms filed in your case.
- The district court clerk will stamp the date your answer is filed under "Clerk Stamps Here."

Part C. PERSONAL INFORMATION

►**If you have been assaulted by your spouse and you fear for your safety, you may leave your address and phone number blank.**

1. On the blank write in the Husband's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

2. On the blank write in the Wife's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

Part D. AGREEMENT

3. Children: If there are children under the age of 18 -- or if the wife is pregnant -- you **cannot use this form.** You should talk to an attorney.

a. Check the box if there are no children <u>under</u> the age of 18 who are the children of **both** the husband and the wife.

- If the husband and wife had children together (born or adopted) <u>before</u> the marriage and the children are under the age of 18, **you cannot use this form**.
- If the husband and wife had children together (born or adopted) <u>during</u> the marriage and the children are under the age of 18, **you cannot use this form**.

b. Check the box if there are no children <u>under</u> the age of 18 who were adopted or born while the wife and husband were married.

- If any children under the age of 18 were born or adopted during the marriage, **you can not use this form**. You cannot use this form *even if the husband is <u>not</u> the father*.

c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.

- If there are children 18 years of age or older who need support, **you cannot use this form**.
- Examples:
  - A child is 18 years of age but is still in high school.
  - A child is 18 years of age or older but is in college or disabled and needs support

d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

4. Breakdown of Marriage. This statement is required for dissolution of Marriage in Iowa.
.

5. Counseling. This statement is required for dissolution of Marriage in Iowa.

6. Waiting Period Before Decree.

a. If more than 90 days have passed since Respondent accepted service or was served with notice of this action, check the box.

b. If less than 90 days have passed since Respondent accepted service or was served with notice of this action, read "b" carefully and check if it is true.

7. Financial Statements.

a. If "a" is true, check the box.

b. If "b" is true, check the box.

c. The Financial Statements filed by Husband and Wife will give the court a complete record of your financial situation. If you are asking the court not to make you file financial statements, print the reasons why on the line provided.

8. Division of Personal Property.

a. If "a" is true, check the box – then go to **9**.

b. Check "b" if the personal property obtained during the marriage has not yet been divided.

- Print a list of the personal property to be given to the Husband
- Print a list of the personal property to be given to the Wife.

9. Division of Real Estate

a. **Ownership of Real Estate**

(1) Check this if Husband and Wife do not own any real estate.

(2) Check this if Husband and Wife do own any real estate, then fill in the address of the real estate and the legal description of the land as it is described in the deed or contract.

b. **How the Real Estate will be Divided**

(1) Check this if the real estate identified in **9**.a.(2) is to be sold and not kept by either the Husband or Wife. Then write in the percentage of the profit or debt left over after the sale that will go to the Husband and the Wife. Then go to **10**.

(2) Check this if Husband will become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.

(3) Check this if the Wife will become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.

10. Division of Debts

You may *check only one* of these:

a. Check this if there are no debts to divide. Then go to **11**.
b. Check this if there are debts to be divided.

(1) Husband will pay these debts

- (a) In the first column, write in the full name of the business or person to whom you owe a debt.
- (b) In the second column, write in the last four numbers of the "Account Number" – if there is one. If there is no account number, write in a description such as "personal loan."
- (c) In the third column, write in the "Total Amount Still Owed." This is the remaining balance owed, not your monthly payment:

Examples:

(a) Business or person to whom a debt is owed	(b) Account number - if any *(Last 4 numbers only)*	(c) Total Amount Still Owed
Capitol Bank Mastercard	1357	$5,000
Ford Credit Corp.	2468	$11,500
U.S. Bank Visa Card	3579	$4,250
Charles Berkley	Personal loan	$200

(2) Wife will pay the following debts: Fill in the debts that the wife will pay. Follow the examples above.

11. Cash Payment. You may *check only one* of these:

a. If "a" is true, check the box.
b. If Husband will be paying Wife a cash payment, print the amount of money that he will be paying her.
c. If Wife will be paying Husband a cash payment, print the amount of money that she will be paying him.

12. Alimony. You may *check only one* of these:

a. If "a" is true, check the box.
b. Check "b" if the Husband will pay alimony to the Wife, and print the terms of alimony (name of person paying alimony, total amount to be paid, number of payments, amount of each payment, and when payments will be made (such as "the 1st Monday of every month").
c. Check "b" if the Wife will pay alimony to the Husband, and print the terms of alimony (name of person paying alimony, total amount to be paid, number of payments, amount of each payment, and when payments will be made (such as "the 1st Monday of every month").

13. Name Change.

a. This is about the Husband's name
(1) Check this box if it will not be changed.
(2) Check this box if it will be changed and write in the new name in the blank space.

b. This is about the Wife's name
(1) Check this box if it will not be changed.
(2) Check this box if it will be changed and write in the new name in the blank space.

14. Court Fees. You may *check only one* of these:

a. If "a" is true, check the box.
b. If "b" is true, check the box.
c. If "c" is true, check the box.
d. If "d" is true, check the box.

15. Attorney Fees.

a. Husband's attorney fees. You may *check only one* of these:
(1) If this is true, check the box.
(2) If this is true, check the box.
(3) If this is true, check the box and fill in the dollar amount to be paid by Wife.

b. Wife's attorney fees. You may *check only one* of these:
(1) If this is true, check the box.
(2) If this is true, check the box.
(3) If this is true, check the box and fill in the dollar amount to be paid by Husband.

16. Necessary Documents. You must do what this statement says. You do not have to write anything on the form for **16**.

17. Other Agreements. If Husband and Wife have made other agreements that are not covered in the rest of the Settlement Agreement, write a brief description of these other agreements in the space provided.

Part E. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part F. OATH AND SIGNATURE

Wife should sign her name on the line provided, then print her name on the line below it.

Husband should sign his name on the line provided, then print his name on the line below it.

By signing this form you are stating that the information on this form is true. The court may punish you if you lie on this form.

Checklist of things you should do after you complete the Settlement Agreement form:

☐ Carefully check your Settlement Agreement form. Be sure you've answered all questions.

☐ Make two photocopies of the original form.

☐ Take the original and the copies to the district court clerk's office; ask them to time-stamp all of them.

☐ File the original Settlement Agreement form at the district court clerk's office.

☐ Ask the district court clerk to give the Settlement Agreement to a judge for approval (or to set a hearing date when you can meet with a judge to discuss your Settlement Agreement).

☐ Immediately after you leave the district court clerk's office, deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.

☐ Keep the other copy for your own records.

Keep these instructions.

Do not give these instructions to the Clerk of District Court.