

Guide to Representing Yourself in an Iowa Divorce Case with Children

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This guide provides legal information and not legal advice. This information is not binding on a court of law.

I.	General Information.....	3
A.	Iowa court terminology.....	3
B.	Who should use this guide.....	3
C.	Who should not use this guide.....	4
D.	Before you start.....	4
E.	Court forms—required, free.....	4
F.	Special requests.....	5
G.	Fees.....	5
H.	Register for electronic filing.....	5
I.	Service of court forms and documents.....	6
J.	Reference materials.....	6
II.	Petitioner instructions: To begin a divorce with minor or dependent adult children.....	7
A.	Fill in and sign your forms.....	7
B.	Register for electronic filing.....	7
C.	File the divorce case.....	8
D.	Serve the forms on your spouse.....	8
III.	Respondent instructions: If your spouse has filed for divorce and you have received the divorce forms.....	12
A.	Carefully read all forms and documents served on you.....	12
B.	Fill in and sign your forms.....	12
C.	Register for electronic filing.....	13
D.	Filing court forms.....	14
E.	If the court has excused your spouse from electronic filing requirements, you must serve your spouse with all court filings you make.....	14
IV.	What the parties should do next.....	15
A.	Other steps before a divorce is finalized.....	15
B.	What one or both spouses should do during the waiting period.....	15
V.	How to get a Decree of Dissolution of Marriage.....	17
A.	Settlement agreement.....	17
B.	Trial (sometimes called “hearing”).....	17
C.	Default Decree.....	18

VI. After the judge files the Decree 20

 A. Petitioner must complete a “Report of Dissolution of Marriage or Annulment” form 20

 B. Things you may want to do 20

VII. Glossary 21

I. General Information

The Iowa Judicial Branch provides this guide. For an overview of divorce and important rules, see [Divorce | Iowa Judicial Branch \(iowacourts.gov\)](#).

A. Iowa court terminology

More terms are defined in [section VII. Glossary](#).

- “Child support” is the financial support a parent will pay based on the duty of both parents to provide adequate support for their children in proportion to their incomes.
- “Dependent adult children” includes persons age 18 or older who, because of a physical or mental condition, are unable to fully protect their interests or require assistance in meeting their essential needs.
- “Dissolution of marriage” means the same thing as “divorce.”
- “Decree” or “Divorce Decree” means a “Decree of Dissolution of Marriage.” You are not divorced until a judge approves and files a Decree.
- “EDMS” is Iowa’s electronic document and case management system used for filing documents with the court.
- “eFile System” is a part of EDMS; you will use the eFile system to file and review your forms and documents.
- “Filings” are the documents, forms, or records submitted to the court to be included in a court file.
- The “Iowa Rules of Electronic Procedure,” in [chapter 16](#) of the Iowa Court Rules, govern electronic filing in the Iowa court system.
- “Legal advice” is strategy specific to the circumstances of your case. Only attorneys can provide legal advice.



Clerks of court and court staff cannot give legal advice.

- “Legal information” is general information, such as where to find forms, instructions, and other general topics about the courts. Court staff can provide legal information.
- “Minor child” in Iowa means a person under the age of 18 years.
- “Party” or “parties” is another way to refer to Petitioner and Respondent in the case.
- “Petitioner” is the spouse who files the Petition to start a divorce case.
- “Respondent” is the other spouse who receives the Petition and files an Answer. These titles do not change.

B. Who should use this guide

This guide is for parties in a divorce who have minor or dependent adult children and are representing themselves. A self-represented litigant is someone who has not hired an attorney for representation *for all parts* of the divorce. Parties who represent themselves may also be called “pro se litigants.”

However, self-represented parties can have limited attorney help:

- Iowa Legal Aid provides free legal advice or representation for people who meet certain income and other qualifications.
- Some attorneys provide help for free (pro bono) or less than their regular rate (low bono).

- Some attorneys provide help with part, but not all, of a legal matter, which may be called “unbundled” or “limited scope” services or representation.

C. Who should not use this guide

- If you do not have minor or dependent adult children, use the [Guide to Representing Yourself in an Iowa Divorce Case with no Minor or Dependent Adult Children](#).
- If you have or will have an attorney represent you for all of your divorce, you do not need to rely on this guide, but you can read it for your own information.
- If you use the [Iowa Interactive Court Forms](#) guided interviews to create your divorce forms, use the instructions provided with the completed forms.



If you own a business, investments, or real estate, there are likely complex issues to your divorce. You probably should consult an attorney.

D. Before you start

Read this guide carefully. There are many steps in the divorce process and many complicated issues. If you are uncertain what to do, you should talk with an attorney.

Before you file a divorce on your own, you may want to consult an attorney about custody, child support, and visitation in your current situation and how that might change in a divorce.

You must determine child custody, child support, and visitation issues *during the divorce process*. These things can be very difficult to change after a judge signs your final divorce Decree. Also, if you want spousal support (alimony), a share of your spouse’s pension, or other property, *you must ask for it during the divorce process*. You cannot get it after a judge signs your final divorce Decree.

Protecting personal information

Because your divorce will become public when a judge signs the final Decree of Dissolution of Marriage, you must protect personally identifiable information during your case. For more information, see [Protect Personal Information | Iowa Judicial Branch \(iowacourts.gov\)](#).



You should understand what is meant by “protected information” and how to “redact” such information on the Protected Information Disclosure (form 211).

Custody and jurisdiction

An Iowa court can decide custody issues only if it has jurisdiction. Generally, the court will have jurisdiction to decide custody issues if the children have lived in Iowa for at least six months. There are exceptions:

- If there is an order for custody or visitation of the children in another state, Iowa may not be able to enter a custody order.
- If the children have not lived in Iowa for six months, the Iowa court may not have jurisdiction.



Fill out the section of the Petition about where the children have lived and what custody orders are already in place. The court needs that information to decide if it has jurisdiction over custody issues. If the court does not have jurisdiction to enter an order, the custody order will not be good.

E. Court forms—required, free

If you represent yourself, you must use the approved court forms listed in Chapter 17 of the Iowa Court Rules. Forms for divorce with children are listed in rule 17.200.

You can get these free, approved court forms from the Iowa Judicial Branch website in two formats:

- PDF forms to fill in online or print out: [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov).
- Guided interviews that complete the forms for you based on answers you give to specific questions. [Iowa Interactive Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov).



If you use the interactive court forms interview, you do not need to follow this guide, but you can read it for your own information.

Carefully read the specific instructions on each form. If you do not understand how to use a form or do not know if you should use a form, talk to an attorney.

F. Special requests

You must make any special requests before the judge signs the Decree.

- If you think counseling (also called conciliation) may save the marriage, you may request it. You can ask for it in the Petition, the Answer, or during the case in a Motion.
- If you want spousal support (alimony), a share of your spouse's pension, or other property, *you must ask for it before the judge files your Decree.*

G. Fees

There is a fee for filing a Petition. See [Civil Court Fees | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov) or ask the clerk of court in your county for information.

If you believe you cannot afford the filing fee, the court might allow you to postpone your fee payment. To ask the court to postpone (defer) payment of the filing fee, fill in and file an [Application and Affidavit to Defer Payment of Costs \(form 209\)](#).

H. Electronic filing

All documents in the Iowa court system are filed electronically. You must be registered on the [eFile system](#), also known as EDMS, to submit your court forms and documents.

I. Service of court forms

Service or service of process means the formal delivery of a legal document to ensure that the opposing party is aware.

When you file forms or other documents with the court, you must serve a copy of the filing on your spouse or your spouse’s attorney.

- If your spouse is registered for electronic filing, the eFile system provides electronic service of your court filings. It notifies the party of new filings by a notice of electronic filing posted on the Notifications page of the party’s eFile account.
- If your spouse is excused from filing (not registered), you must serve your spouse paper copies of the forms and documents.

J. Reference materials

The following materials will help you through the divorce process. They can be found on the Iowa Judicial Branch website or the Iowa Legislature website.

Divorce materials, rules, and forms

Description	Link
Divorce overview	Divorce Iowa Judicial Branch (iowacourts.gov)
Rules governing electronic filing	The Iowa Rules of Electronic Procedure in chapter 16 of the Iowa Court Rules
Rules on protecting private or personal information	Division VI of chapter 16 of the Iowa Court Rules and Protecting Personal Information Iowa Judicial Branch (iowacourts.gov)
Divorce laws in Iowa	Chapter 598 of the Iowa Code, at libraries or on the Iowa Legislature website at https://www.legis.iowa.gov/law/statutory .
Free court-approved forms	Chapter 17, rule 17.200 of the Iowa Court Rules or Court Forms Iowa Judicial Branch (iowacourts.gov)
Filing instructions	eFile Instructions Iowa Judicial Branch (iowacourts.gov)
Tips for representing yourself	Representing Yourself Iowa Judicial Branch (iowacourts.gov)
Frequently Asked Questions	Family Law, Divorce and Child Custody, Support, and Visitation FAQ Iowa Judicial Branch (iowacourts.gov)

II. Petitioner instructions: To begin a divorce with minor or dependent adult children

A. Fill in and sign your forms

Fill in and sign the required forms to start the divorce (listed in the table below). The Iowa Judicial Branch provides free, approved court forms on its website in two formats:

- PDF forms to fill in online or print out: [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/court-forms).
- Guided interviews that complete the forms for you based on answers you give to specific questions. [Iowa Interactive Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/interactive-court-forms).

If you do not understand something, you should contact an attorney. Clerks and other court staff cannot provide legal advice.

Forms to begin the divorce process

Official form name	Short name	Required or optional form
17.200—Form 201: Petition for Dissolution of Marriage with Children	Petition (form 201)	Required
17.200—Form 204: Original Notice for Personal Service	Original Notice (form 204)	Required
17.200—Form 209: Application and Affidavit to Defer Payment of Costs	Application to Defer Costs (form 209)	Optional: Use if you cannot afford to pay the court filing fees when filing the Petition.
17.200—Form 211: Protected Information Form		Required



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



Understand what is meant by “protected information” and how to “redact” such information on the Protected Information Disclosure (form 211).

B. Register for electronic filing

You must register on the [eFile system](https://www.iowacourts.gov/e-file) to file forms and documents with the court.



Select **Registered Filer** for your role.

Instructions for registration are at [eFile Instructions | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/e-file-instructions)

If you are unable to receive and read electronic filings promptly

If you do not have a computer or reliable internet access at home, you may apply to the court to be excused from electronic filing requirements. If excused, you must take your forms on paper to the clerk of court office for filing.

To be excused from filing electronically:

- You must apply to and get permission from the court to be excused from electronic registration and filing requirements.
- You must have a good reason.

C. File the divorce case

To begin the divorce process, you must prepare and file forms with the Iowa court system.

1. File the Petition (form 201).
2. File the Original Notice (form 204).
3. File the Protected Information Disclosure (form 211).

Filing electronically

See the Iowa Judicial Branch website at [Filing a New Case \(iowacourts.gov\)](http://www.iowacourts.gov) for detailed instructions.

- Log in to the eFile system at <https://www.iowacourts.state.ia.us/Efile/>.
- File the forms you have prepared.
- Your eFile account will show if your filing has been approved.
 - If your filing was returned with errors, correct the errors and resubmit your forms. See [Resubmitting a Returned Filing \(iowacourts.gov\)](http://www.iowacourts.gov).
- For help finding and downloading your approved forms, please see [Keeping track of your filings, cases, and notifications \(iowacourts.gov\)](http://www.iowacourts.gov).



Be sure to check the filings on your case in the eFile system regularly.

Filing if the court has excused you from electronic registration and filing requirements

If the court has excused you from electronic registration and filing requirements:

1. Print two copies of the Petition (form 201), Original Notice (form 204), and the Protected Information Disclosure (form 211).
2. Take the originals and copies to the clerk of court office in your county. Tell the clerk you are filing a Petition for a divorce.
3. Give the clerk the original forms and the copies.
4. Either pay the filing fee or file the Application to Defer Costs (form 209) to request deferring fee payment until later.
5. The clerk of court will time-stamp each document to show when the court received it.



You must check the filings on your case in the eFile system regularly.

D. Serve the forms on your spouse

Before your divorce can proceed, you must serve the forms you have filed on your spouse, including:

1. The Original Notice (form 204).
2. A copy of the Petition (form 201).
3. The Protected Information Disclosure (form 211).
4. Any other forms or documents you filed.



You have 90 days after filing the Petition to complete service on your spouse. If you do not meet this deadline, the court may dismiss your case.

Service if you know where your spouse is

If you know where your spouse is, you have three options for completing service.

- Option 1: Service by you personally delivering the forms to your spouse.
- Option 2: Service by a sheriff or process server. If you applied for and the court granted an Application to Defer Costs (form 209), you must use the county sheriff to deliver the forms to your spouse.
- Option 3: Service by someone else delivering the forms to your spouse.

Option 1: Service by personal delivery

You can hand the forms to your spouse in person or send the forms to your spouse by regular mail. Use personal service only if your spouse is willing to sign an Acceptance of Service (form 205).

1. Complete the top part of the Acceptance of Service (form 205).
2. When you give your spouse the Petition, have your spouse complete and sign the bottom part of the Acceptance of Service and give it back to you.
3. File the signed Acceptance of Service.
 - a. See step 1(b) “For an existing lawsuit” under “File the Documents” at [eFile Instructions | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/eFileInstructions).
 - b. If you are excused from filing electronically, make a copy of the form for your records and take the acceptance of service that your spouse signed to the clerk of court for filing.

Option 2: Service by a sheriff or process server

You can ask the county sheriff or a process server to serve the forms on your spouse. Use this method if you do not want to deliver the forms yourself, if the court approved an Application to Defer Costs (form 209), or if your spouse refuses to accept the forms from you or sign an Acceptance of Service.

Complete the Directions for Service of Original Notice (form 206). Give the county sheriff or process server two copies of the following forms:

- Original Notice (form 204)
- Petition (form 201)
- Directions for Service (form 206)
- Protected Information Disclosure (form 211)

The sheriff or process server will file “proof of service” after you pay the service fee. “Proof of service” confirms for the court that your spouse has properly received the divorce forms.

Option 3: Service by someone else

You can have a person who is not a sheriff or process server deliver the forms to your spouse.

1. The person performing service must fill out an Affidavit of Service (form 210).
2. Either you or that person must file the affidavit soon after the forms are delivered to your spouse.

Service if you do not know where your spouse is

Official form name	Use
17.200—Form 207: Motion and Affidavit to Serve by Publication	Required if you cannot find your spouse to serve a copy of the Petition and Original Notice by mail or in person.
17.200—Form 208: Original Notice by Publication	Required if you cannot find your spouse to serve a copy of the Petition and Original Notice AND a judge has signed an order allowing you to publish the notice in a newspaper.
17.200—Form 225: Affidavit of Mailing Notice	Required if you served notice by publication in a newspaper.

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

A court will give you permission to give notice by publication in a newspaper if you have first made reasonable efforts to find your spouse. For example:

1. Contacting your spouse's parents, brothers, sisters, friends, former employer, or people your spouse worked with.
2. Checking phone books for the area where you think your spouse might be living.
3. Searching for your spouse using the internet or social media. (If you do not know how to do this, go to your local library and ask a librarian for help.)
4. Asking an attorney to help you.

If you still cannot find your spouse:

1. Mail a copy of the Original Notice (form 204), the Petition (form 201), and the Protected Information Disclosure (form 211) to your spouse's last known address.
2. File a Motion and Affidavit to Serve by Publication (form 207). See [Filing in an Existing Case](#) for instructions.

The court may schedule a hearing on your Motion and Affidavit. If so, the court will notify you of the date and time for the hearing. You must attend the hearing.



Asking for service by publication in a newspaper does not guarantee that a judge will let you serve by publication.

If your Motion and Affidavit is approved, a notice of electronic filing is posted to your eFile notifications page indicating that your Motion and Affidavit has been approved:

1. Print and mail a copy of the Motion and Affidavit to your spouse's last known address.
2. Fill out an Original Notice by Publication (form 208) and take it to a newspaper of general circulation published in the county where the Petition was filed.



You must follow the instructions for form 208 exactly.

3. After you take the Original Notice by Publication to the newspaper, promptly mail a copy of the Notice, Petition, and Protected Information Disclosure to your spouse's last known mailing address.
4. File an Affidavit of Mailing Notice (form 225).

III. Respondent instructions: If your spouse has filed for divorce and you have received the divorce forms

If you received a divorce Petition, you are the Respondent.

There are certain things you must do as Respondent to protect your legal interests during the divorce process.



You must file an Answer to the Petition within 20 days of either:

- The date the county sheriff or process server served you with an Original Notice and a copy of the Petition (form 201).
- The date your spouse filed the Acceptance of Service (form 205) with the clerk of court.
- The date the Affidavit of Service was filed with the clerk of court.

If you fail to file an Answer within 20 days, the court may enter a divorce Decree without your input.

You may want to talk to or hire an attorney to help you with the divorce process, whether or not an attorney represents your spouse. An attorney can only help one party in a divorce case.

A. Carefully read all papers served on you

Carefully read the Petition and Original Notice to understand what your spouse (Petitioner) is asking.

You (Respondent) might also receive other court orders or notices filed in your case that tell you important steps or things you must do during the divorce process, such as:

- The date for a court hearing.
- Information you are required to provide to your spouse and the court and deadlines for providing it.
- Attend mediation.
- Participate in Children in the Middle programming.

B. Fill in and sign your forms

You can get free Iowa court forms:

- [Iowa Interactive Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov). *If you use the interactive court forms to create your forms for you, you do not need this guide.*
- The Iowa Judicial Branch website at [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov).

Carefully read the instructions on each form. If you still do not understand something after reading the instructions, you should contact an attorney.

Forms for Respondent to file

Official form name	Short name	Required or optional.
17.200—Form 211: Protected Information Disclosure		Required.
17.200—Form 215: Answer to Petition for Dissolution of Marriage with Minor or Dependent Adult Children	Answer (form 215)	Required if the top of the Petition reads “Rule 17.200—Form 201: Petition for Dissolution of Marriage with Minor or Dependent Adult Children.”
17.200—Form 216: General Answer to a Petition	Answer (form 216)	Required if your spouse used a different Petition (not Rule 17.200—Form 201 Petition).
17.200—Form 222: Motion	Motion (form 222)	Optional. If you or your spouse need something that requires an order or approval from the court, you may file a Motion to ask the court for what you want.

1. Fill out the Answer (form 215 or 216), the Protected Information Disclosure, and any other forms you need.



If you want spousal support (alimony), a share of your spouse’s pension, or other property, you must ask for it in a Motion or your Answer. You cannot get it after a judge files your Decree.

2. Sign the forms.
3. Scan each form separately and save it as a PDF.
4. Register for electronic filing.

C. Register for electronic filing

You must register on the [eFile system](#).



Select **Registered Filer** for your role.

Instructions for registration are at [eFile Instructions | Iowa Judicial Branch \(iowacourts.gov\)](#)

If you are unable to receive and read electronic filings promptly

If you do not have a computer or reliable internet access at home, you may apply to the court to be excused from electronic filing requirements. If excused, you will take your forms in paper to the clerk of court office for filing.

To be excused from filing electronically:

- You must apply to and get permission from the court to be excused from electronic registration and filing requirements.
- You must have a good reason.

D. Filing court forms

Filing electronically

After you have registered for electronic filing:

1. Log in to the eFile system at <https://www.iowacourts.state.ia.us/Efile/>.
2. File your documents in the case. For instructions, see [Associating yourself with a case \(PDF\)](#) and [Filing in an Existing Case \(PDF\)](#).
3. When your filing is approved, a notice of electronic filing will be posted on the Notifications page of both your and your spouse's eFile system accounts.



You must regularly check the filings on your case in the eFile system. Instructions for finding and downloading your approved filings are at [Managing Filings, Cases, and Notifications \(iowacourts.gov\)](#).



If your filing is returned with errors, correct the errors and resubmit your form. See [Resubmitting a Returned Filing \(PDF\)](#) for instructions.

Filing if you are excused from electronic filing requirements

If a court has excused you from the rules of electronic registration and filing:

- Make two sets of paper copies of the original forms.
- Take the originals and copies to the clerk of court office in the county where the Petition was filed.
- The clerk will time-stamp them and give the copies back to you.
- Keep one set of copies for your records.

E. Serve your spouse (only if the court has excused your spouse from electronic filing requirements)

Check the notice of electronic filing in your eFile account. If the notice of electronic filing indicates your spouse is excused from electronic filing requirements, you must serve a paper copy of the forms on your spouse or your spouse's attorney.

You must mail or serve paper copies of all the forms you file.



You must regularly check the filings on your case in the eFile system.

IV. What to do next

There are many things that parties must do to finalize a dissolution. These things should be done early in the divorce process so the court can issue a Decree upon the conclusion of the waiting period or before a hearing or trial date is set.

- Check the filings on your case in the eFile system regularly.
- Attend any programs or counseling the court requires, such as an educational program about divorce, a mediation session with your spouse, or Children in the Middle programming. These requirements vary by judicial district; you should carefully read all information you receive from the court or the clerk of court.
- Keep track of any deadlines, court hearing dates, or trial dates set by the court.

Under Iowa law, there is a 90-day waiting period before a judge can approve and file the Decree. The 90 days usually begin on the latest of the following dates:

- When the Petition and Original Notice are served on Respondent by a sheriff or civil process server.
- When Petitioner files the Acceptance of Service (form 205).
- If Petitioner serves notice by publication in a newspaper when the final (third) publication is made.
- After court-ordered counseling is completed, if it is ordered.

In a case of emergency or necessity, the court could shorten the 90-day waiting period. Judges require a very good reason to reduce the waiting period. To apply for a waiver of the 90-day waiting period, file a Motion (form 222) explaining to the court the reasons of emergency or necessity that you think should result in reducing the waiting period in your case. For more information, see [Iowa Code section 598.19](#).

A. Other steps before a divorce is finalized

- Each spouse must file a Financial Affidavit for a Dissolution of Marriage with Minor or Dependent Adult Children (form 224). It gives the court information about the parties' property, debts, and income levels. You will not get a Decree until both spouses complete a Financial Affidavit.



If you and your spouse do not have assets or debts to split, you both can apply to waive the Financial Affidavit requirement. File a Motion (form 222), check box 1(A)(7) "Other request," and explain why the Financial Affidavit requirement should be waived.

B. What one or both spouses should do during the waiting period

- If you and your spouse agree on how to divide your property, assets, and debts, complete and file a Settlement Agreement for a Dissolution of Marriage (form 228). Work together to fill out the Settlement Agreement.
- If you are changing title to any real estate as part of your divorce, you may want to contact an attorney to get advice.
- If you or your spouse need something that requires a temporary order from the court, you may file a Motion (form 222) to ask the court for what you want.
- If you want counseling (also called conciliation), spousal support (alimony), a share of your spouse's pension, or other property, you must ask for it. You must ask for these things before a judge files your Decree.

If your spouse files a Motion and you disagree with what your spouse is asking the court to do, file a Response to a Motion (form 223) to tell the court that you disagree with your spouse's Motion.

- The court will likely file an order setting a hearing date, time, and location. Check the Notifications page of your eFile account for the time and date. If you are excused from filing electronically, the clerk's office will mail you a notice of the hearing.
- You must go to the hearing. If you do not show up for the hearing, the court will not give you the things you request in your Motion.

V. How to get a Decree of Dissolution of Marriage

You and your spouse are not divorced until the court approves and files a Decree of Dissolution of Marriage, also called a “Decree” or “Divorce Decree.”

There are three ways to get a Decree:

- A. Settlement Agreement:** If you and your spouse agree on how to divide your property and debts and file a Settlement Agreement (form 228) together, and the court approves the Settlement Agreement.
- B. Trial:** If you and your spouse disagree on how to settle your divorce, and the court decides your issues for you at a hearing or during a trial.
- C. Default Decree:** If Respondent does not file an Answer by the deadline or either party stops participating in the divorce proceedings, the court may enter a Default Decree in favor of the other party.

A. Settlement agreement

Form for parties in agreement

Official form name	Short name	Required or optional
17.200—Form 228: Settlement Agreement for a Dissolution of Marriage with Minor or Dependent Adult Children	Settlement Agreement (form 228)	Required. If you and your spouse agree on the terms of your divorce, you must file a Settlement Agreement.

If you and your spouse agree on how to divide your property and debts, you should work together to prepare and file a Settlement Agreement (form 228). This is the most efficient way to finalize your divorce.

- If the court has questions about the Settlement Agreement, the court will set a hearing and file an order telling you when the hearing is. Check the Notifications page of your eFile account for the time and date. If you are excused from filing electronically, the clerk’s office will mail you a notice of the hearing.
- If the court does not have questions and the waiting period is passed, the court will approve and file a Decree based on the Settlement Agreement.

If you have a hearing, bring copies of all your filings, including:

- The Financial Affidavit (form 224).
- The Settlement Agreement (form 228) signed by you and your spouse.
- If filed, the Motion (form 222) to shorten the 90-day waiting period.

B. Trial (sometimes called “hearing”)

Form for parties who disagree

Official form name	Short name	Use this form
17.200—Form 227: Request for Relief in a Dissolution of Marriage with Minor or Dependent Adult Children	Request for Relief (form 227)	Required if you and your spouse cannot agree on the terms of your divorce.

If you and your spouse do not agree on the terms of your divorce or how to settle your divorce, you should file a Request for Relief (form 227).

The court will set a trial date and file an order telling you when the trial is. Check the Notifications page of your eFile account for the time and date of the trial. If excused from electronic filing, the court will mail the order to you.

When you appear before a judge at the trial

Divorce trials are in front of a judge, not a jury. Bring to the trial paper copies of:

- Your Financial Affidavit (form 224). Each spouse should have completed a Financial Affidavit before the trial.
- Your Request for Relief (form 227). Each spouse should have completed form 227 before the trial.
- Any other filings

The judge will ask both of you questions about the issues on which you disagree. The judge will make a final decision on these issues for you, including how to divide your property and debts if you cannot agree on them yourselves.

C. Default Decree

If either spouse misses a deadline or stops participating in the divorce proceeding, the other spouse can ask the court for a default Decree. The court will then likely set a hearing.

Respondent’s deadline for filing an Answer is 20 days after either:

- The date the county sheriff or process server served the Original Notice (form 204) and a copy of the Petition (form 201).
- The date Petitioner filed the Acceptance of Service (form 205) with the clerk of court.
- The date the Affidavit of Service of Original Notice and Petition for Dissolution of Marriage (form 210) was filed with the clerk of court.

Forms for seeking a default Decree

Official form name	Short name	Required or optional
17.200—Form 222: Motion		Required. A Motion is required when you want the court to do something.
17.200—Form 226: Notice of Intent to File Written Application for Default Decree	Notice of Intent to File for Default Decree (form 226)	Required. You must file form 226 if you want a default Decree because the other party is not participating in the divorce process.

1. Complete the forms:
 - a. Prepare a Notice of Intent to File for Default Decree (form 226).
 - b. Prepare a Motion (form 222) to set a hearing date.
 - i. Check box 1(A)(6) “Set a hearing date for a divorce Decree by default.”
 - ii. If you want to request a shorter waiting period because of an emergency or necessity, check 1(A)(7) “Shorten the 90-day waiting period for getting a divorce Decree,” and explain the reasons for this request in section 1(B).
 - c. Fill out a Request for Relief in a Dissolution of Marriage with Children (form 227).
2. File the Notice of Intent to File Written Application for Default Decree (form 226). If the notice of electronic filing indicates that the other party was not served electronically, mail a certified copy of form 226 to the party’s last known mailing address.
3. Wait ten days from the date of service plus three more days for mailing (13 days total). Keep a copy of the post office return receipt showing delivery or failure of delivery.
4. If the party does not respond within 13 days, file and serve the Motion (form 222), Request for Relief (form 227), and post office return receipt.
5. The court will set a hearing. Check the Notifications page of your eFile account for the time, date, and location of the hearing.

When the hearing is set

1. Check your filings (the Notifications page of your eFile account) for the hearing date, time, and location.
2. You must go to the hearing. If you do not show up for the hearing, the court will not give you a Default Decree.
3. Prepare for the hearing by reviewing [Representing Yourself | Iowa Judicial Branch \(iowacourts.gov\)](http://www.iowacourts.gov).

At the hearing

- Bring copies of all of your filings with the court.
- Respectfully ask the court to decide that your spouse is “in default” and that the court should enter a Default Decree in your favor.

After the hearing

- If the judge determines your case is ready to be finalized, the judge will file the Decree.
- If you are registered on the eFile system, a notice of electronic filing will be posted on the Notifications page of your eFile account when the Decree is filed.
- If you are excused from filing electronically, the clerk of court will either give you a copy of the Decree or mail a copy to you.

VI. After the judge files the Decree

A. Petitioner must complete a “Report of Dissolution of Marriage or Annulment” form

After the judge files the Decree, Petitioner must complete a “Report of Dissolution of Marriage or Annulment Form” from the Iowa Department of Health and Human Services. There is no fee for this form. It is required by state law.

1. Go to the clerk of court office in the county where the dissolution of marriage was finalized.
2. Ask the clerk for the form.
3. Fill in the form, but leave items 18 through 22 blank for the clerk of court to complete.
4. Give the form back to the clerk of court at the counter.

B. Things you may want to do

- **If you have any credit cards or joint bank accounts in the names of both spouses**, you may want to close them. Creditors often try to collect debts from anyone whose name is on the account, even if the Decree orders one person to pay the debt.
- **If the Decree gives a party a portion of the other party’s retirement account or pension**, you must have a Qualified Domestic Relations Order (QDRO) prepared. A QDRO is complicated. Contact the financial institution holding the account or ask an attorney for help.
- **If you have real estate, you may have to change the title according to the Decree.** You should talk to an attorney because changing the title to real estate is a complicated and essential step in the divorce process. You want to be sure to do this correctly.

VII. Glossary

Acceptance of Service of Original Notice (form 205): Respondent signs this form to acknowledge receiving a copy of the divorce Petition and Original Notice from Petitioner. Signing this paper does **not** mean Respondent agrees to the divorce or anything else that is in the Petition.

Affidavit of Mailing Notice (form 225): This form tells the court that the person mailed either an Original Notice and Petition for Dissolution of Marriage or a Notice of Intent to File Written Application for Default Decree to the other party.

- Petitioner must use this form if he or she served Notice by Publication in a newspaper.
- Petitioner or Respondent must use this form if he or she asks the court for a final Decree by default.

Affidavit of Service of Original Notice and Petition for Dissolution of Marriage (form 210): Petitioner uses this form if another person who is not a sheriff or process server delivered the Petition and Original Notice to Respondent.

Affidavit for Temporary Custody and Visitation (form 221): A parent or someone else uses this form before the case is finished to tell the court about custody and visitation.

Alimony: See "spousal support" below.

Answer (form 215 or 216): Respondent uses the Answer to respond to what Petitioner—Respondent's spouse—asks for in the Petition.

Application and Affidavit to Defer Payment of Costs (form 209): Petitioner uses this form to ask the court for an order to allow filing the Petition without paying the filing fee or the costs of service. Petitioner may be required to pay the fee or costs later.

Confidential (Protected) Information: Personal information, such as Social Security Numbers, dates of birth, and full names of minor children, should be abbreviated on forms filed with the court unless the information is required by law or is material to the case. Any personal or abbreviated information must be provided in full on Protected Information Disclosure (form 211).

Parties must take these precautions because documents filed in a dissolution of marriage action will be available to the public once the divorce is final when the court has approved a Decree.

The following information is considered confidential or protected personal information:

- Social security numbers
- Financial account numbers
- Full dates of birth
- Names of minor children
- Individual taxpayer identification numbers
- Personal identification numbers
- Other unique identifying numbers

See Iowa Rules of Electronic Procedure 16.602 and 16.603.

Decree of Dissolution of Marriage: The document a judge signs that ends your marriage with a divorce. The Decree will require you and your spouse to do certain things, including dividing your property and debts in a certain way and following child custody, support, and visitation arrangements. The judge will always make the final decision on what the divorce Decree will say.

Once a judge enters your divorce Decree, the filings made with the court during the divorce will be available to the public. You should redact any personal or protected information on your filings so the public cannot see it when the divorce becomes final.

Default: A Default or Default Judgment is a ruling from the court that you or your spouse did not do something that was required during the divorce process. For example, the judge could enter a default judgment if Respondent did not file an Answer after receiving an Original Notice. Once the court enters a Default or Default Judgment, the court may then issue other orders, including an order of divorce or a final Decree (dissolution of marriage). Forms 226 and 227 can be used to get a “Decree by default.”

Dependent Adult Child: A child age 18 or older who still requires support from parents. For example, a child who is still in high school or college, or is disabled and still needs support.

Directions for Service of Original Notice (form 206): This form gives information to the county sheriff or other civil process server on how and where to serve the Petition on Respondent. See “Serve (Service)” below.

Dissolution of Marriage: In Iowa, divorce is formally known as “dissolution of marriage.” The term is the same as “divorce.”

Educational Subsidy: A parent paying child support might also be required to pay a post-secondary or college education subsidy or costs through age 22 of the child if the court orders it. See Iowa Code section 598.1(8).

Electronic Document Management System (EDMS): The Iowa Judicial Branch electronic filing system enables you to electronically file and receive filings on your case from other parties and the court. Electronic filing is required. You must register to use EDMS. For instructions on requesting an account, see the Electronic Filing page on the Iowa Judicial Branch website.

Electronic Filing (eFiling): Electronic filing is submitting forms and documents through EDMS.

Excused Filers: Persons who have applied to the court and been granted an exception from electronic registration and filing requirements.

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

Fee, Recording: If your divorce includes a change of real estate title, the County Recorder charges a fee to enter your change of title to real estate.

Fees, Payment of: At the end of your divorce, the court can determine, or the parties can agree, who will pay the fees. These include the filing fee, court fees, service fees, and costs of things such as a subpoena or a deposition.

Fees, Court: Money you must pay to the clerk of court when you file your Petition and at other times. The state legislature sets these fees. For amounts, see [Civil Court Fees | Iowa Judicial Branch \(iowacourts.gov\)](http://www.iowacourts.gov).

Fees, Service: 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.

File: “To file” a document is the act of submitting the forms and documents to the court.

- For registered filers, filing means submitting forms and documents to the court through EDMS. The system will stamp the date and time the document is submitted to the system.
- For filers excused from electronic filing requirements, filing means handing paper forms and documents to the clerk of court. The clerk will stamp the date and time of filing on the forms and documents.

Filer: Any person or party who files a document with the court.

Financial Affidavit (form 224): This form provides information to the court about you and your spouse’s property, debts, income, and expenses. Each party must complete a Financial Affidavit.

Gross Monthly Income: 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 in prison.

Iowa Rules of Electronic Procedure: The rules governing electronic filing in chapter 16 of the Iowa Court Rules are available on the Iowa Judicial Branch website.

Joint Custody or Joint Legal Custody: Both parents have equal legal rights and responsibilities toward the children, including such things as medical care, education, extracurricular activities, and religious instruction.

Joint Ownership: Property owned by more than one person.

Joint Physical Care: Both parents have equal rights and responsibilities toward the children, including shared parenting time, maintaining homes, and providing routine care.

Legal Custody or Custody: A parent has rights and responsibilities toward the children. These rights include making decisions about medical care, education, extracurricular activities, and religious instruction.

Lien: A charge on specific property to cover a debt or obligation. Sometimes called a loan.

Minor Child: A child under the legal age of 18 years.

Mortgage: A charge on real estate for a debt owed. Both the mortgage and the debt are on file with the County Recorder.

Motion (form 222): Either party can use form 222 to ask the court to order something to be done during the divorce process. For example, a party might ask for temporary spousal support (alimony) or to schedule a hearing.

Motion and Affidavit to Serve by Publication (form 207): Petitioner uses form 207 to ask the court to let the party publish a notice in the newspaper that a Petition has been filed. The person tells the court what they did to find the other person to serve the papers.

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

Net Value: The amount of money something is worth after subtracting all liens, obligations, 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.

No-Fault Divorce: A no-fault divorce allows a marriage to be dissolved when there is evidence of a breakdown of the marital relationship and there is no likelihood that it can be preserved. In Iowa, a spouse does not have to prove or blame the other spouse for any misdeed or wrong to get a divorce.

Notice of electronic filing: EDMS generates a notice when you, your spouse, or the court file a document in your case. EDMS serves most case filings by this means (see the definition for “Serve (Service)” below). The notice indicates who was electronically served on the case and who will need to be served by mail because of an excuse from electronic filing. If you are Petitioner in your divorce, you will find the Original Notice and Petition that you must serve on your spouse in your My Filings page of EDMS.



Notices of electronic filing alert you to log in to EDMS and look at the filings in your case. For documents filed by the other party or the court, check either the Notification or the My Cases page. For filings you have made, check the My Filings page.

Notice of Intent to File a Written Application for Default Decree (form 226): A party uses form 226 if the other party is “in default,” which means, for example, that Respondent has not filed an Answer to the Petition in time, or a party has stopped participating in the divorce process. With an Application for Default Decree, the party asks the court to sign a final divorce Decree.

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

Original Notice for Personal Service (form 204): An Original Notice is prepared and filed by Petitioner and signed by the clerk of court. Petitioner serves the Notice on his or her spouse (Respondent) along with the Petition. This tells Respondent that his or her spouse has filed a Petition for Dissolution of Marriage (divorce).

Original Notice by Publication (form 2018): An announcement in a newspaper telling Respondent that a petition for Dissolution of Marriage was filed.

Parenting Plan: Forms 229 and 230 enable parents to tell the court where they want the children to live, where the children will spend holidays, and other matters about the children. If the parties agree on these things, they should prepare form 229 together and both sign it. If the parties do not agree, each party should prepare a separate form 230 for filing with the court.

Party: A person or business in a court case. In a divorce case, the two spouses are the “parties” in the lawsuit.

Petition for Dissolution of Marriage with Children: Petitioner files the Petition (form 201) with the court to start a divorce case. The Petition gives the court information about the parties involved in the case and tells the court what Petitioner wants the court to do. In a divorce (dissolution of marriage), Petitioner asks the court to end his or her marriage.

Petitioner: The person who files the Petition to start a divorce case in court.

Physical Care: This means providing a home for the minor child and taking care of the child.

Pro Se: (Pronounced “pro-say.”) A Latin term that means “for or on behalf of oneself.” It is sometimes used to describe a person who handles his or her own court case with little or no help from an attorney. A *pro se* party is also called a *self-represented party* or *self-represented litigant*.

Process Server: The person who personally delivers (serves) a paper to your spouse if you do not do it. Often, the process server is the county sheriff, but it may be another person who delivers legal papers. See “Serve (Service)” below.

Property: There are three types of property: personal property, real property, and retirement assets.

- **Personal property:** Personal property is all property that is not real property. Personal property includes clothes, cars, boats, money, household contents, retirement assets, jewelry, bank accounts, and many other things.
- **Real property:** Real property is any real estate (land and buildings on the land). Real property could include all types of ownership, all types of rights to the property, and rights to occupy the property, such as a lease.
- **Retirement assets:** Retirement assets include pensions (sponsored by private or government employers or unions), 401(k) and 403(b) accounts, Individual Retirement Accounts (IRAs), cash balance accounts, profit sharing accounts, Keogh plans, Employee Stock Ownership Plans (ESOPs), and other types of retirement compensation. See “Retirement Assets)” below.

Protected Information: Protected information is personal information that should be omitted or redacted from court filings and should not be available to the public unless it is required by law or is material to the case. The following information is considered protected information:

- Social Security numbers
- Financial account numbers
- Full dates of birth
- Names of minor children
- Individual taxpayer identification numbers
- Personal identification numbers
- Other unique identifying numbers

Documents filed in a dissolution of marriage action will be available to the public upon request once the divorce is final when the court has approved a decree.

Protected Information Disclosure (form 211): On form 211, filers provide the complete version of protected information. It is not a public record.

Redact (Redaction): “Redacting” information means removing a portion of the information so it cannot be

traced to a particular individual. When you include personal information in a document you are filing, include only a portion of the protected or confidential information. For example, a child's name will be redacted to include only initials; a birth date will be redacted to include only the year of birth; a financial account number will be redacted to include only the last four digits.

In addition to the protected information listed above, the following information may be treated as protected or confidential. It can be abbreviated or redacted on court filings without a judge's order:

- Driver's license number
- Information concerning medical treatments or diagnosis
- Employment history
- Personal financial information
- Proprietary or trade secret information
- Information concerning a person's cooperation with the government
- Information concerning crime victims
- Sensitive security information
- Home addresses

Registration: You must register for an account to file documents with the court through EDMS. For instructions on registering for an account, see the [eFile instructions](#) page of the Iowa Judicial Branch website.

Report of Dissolution of Marriage or Annulment: An Iowa Department of Health and Human Services form is required for each completed divorce. Attorneys sometimes call this the Statistical Abstract Report.

Request for Relief: Either party can use Form 227 to ask the court to grant the divorce if their spouse is not participating. On this form, you tell the court what you want the terms of the divorce to be.

Respondent: The person who receives the Petition for Dissolution of Marriage from Petitioner (spouse).

Retirement assets: Retirement assets include pensions (sponsored by private or government employers or unions), 401(k) and 403(b) accounts, Individual Retirement Accounts (IRAs), cash balance accounts, profit sharing accounts, Keogh plans, Employee Stock Ownership Plans (ESOPs), and other types of retirement compensation.

Retirement assets earned by either spouse during the marriage are usually considered marital property that can be divided by the court. This is true even if you or your spouse has not yet retired. If you want the court to divide retirement assets, you must ask the court to do so along with dividing your other personal property. The court should decide whether the division of retirement assets includes survivor benefits.

If the court divides retirement assets, you will need to have the court approve an additional form, usually called a Qualified Domestic Relations Order ("QDRO"), to make the division effective. You should have the QDRO prepared before you go to court or settle your case so that the judge can sign it when you finish your divorce. QDROs are complex documents, and a QDRO form is not included with these forms. You should contact a lawyer for help with a QDRO. You may be able to get a sample QDRO form from the employer or retirement fund administrator. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or retirement fund administrator's QDRO form, you should still have a lawyer review it to ensure you are not giving up important benefits. Iowa Legal Aid (1-800-992-8161) may be able to help with a QDRO.



If you and your spouse plan to keep your own retirement funds or do not have retirement funds, you do not need a QDRO.

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

Self-represented party: A person who handles his or her own court case with little or no help from an attorney.

When you register to file electronically as a self-represented party, you will pick “Registered Filer” as your role.

Serve (Service): To give your spouse a copy of a form or document. Some copies must be given in person, and others can be sent by mail.

Petitioner must personally serve the Petition and Original Notice. EDMS will serve filings on registered parties. Exceptions to electronic service are made for people who apply for and are granted an exception from electronic registration and filing requirements by the court.

- **Electronic Service:** EDMS will electronically serve legal documents to all registered case parties who have filed an Answer (if a self-represented party) or their attorney.
- **Mailed Service:** A paper document is delivered through the mail to a case party at the party’s last known address.
- **Personal Service:** A paper document is personally delivered to a party either by the other party, another person, a sheriff, or some other civil process server. See forms 205 (Acceptance of Service), 206 (Directions for Service), and 210 (Affidavit of Service).

Settlement Agreement (form 228): The final agreement between you and your spouse on how to settle your divorce. Form 228 will include the details of your dissolution of marriage (divorce) if the judge agrees those terms are fair to both sides and in the children’s best interests.

Spousal support: Payment from one ex-spouse to another (or to a spouse during the divorce process) to avoid any unfair economic or financial consequences of a divorce. Courts do not always award spousal support. Spousal support may also be called alimony.

Statistical Abstract Report: See “Report of Dissolution of Marriage or Annulment” above.

Subpoena: (Pronounced “suh-peena.”) A court order 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.

Waiting period: Iowa has a 90-day waiting period before the court can finalize a divorce. The 90-day waiting period begins from the day the Original Notice is served, from the last day of publication of notice, or from the day waiver or Acceptance of Service is filed. Upon motion from a party, the court may waive the 90-day waiting period on the grounds of emergency or necessity.