Guide to Representing Yourself in a Child Support Modification Case in Iowa

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Introduction

In this Guide, three symbols are used to indicate whether information is specific to electronic filing, specific to paper filing, or applies to all cases whether electronic or in paper:

- Electronic filers
- Paper filers
- ➢ All filers

➢ **Important:** Read all information marked with this arrow, whether you file electronically or in paper.

➢ If you represent yourself (without an attorney) in a child support modification case, you *must* use the *court-approved forms* identified in this Guide and contained in Chapter 17 of the Iowa Court Rules. These **forms are available free of charge** in fillable and savable format on the Iowa Judicial Branch website: www.iowacourts.gov.

➢ **If you do not understand how to use these forms, or do not know if you should use these forms, talk to an attorney.**

➢ These forms must be used whether the filings in your case will be electronic or in paper. If you are unsure whether your county, or the county where your case is filed, accepts electronic filing, check the map available on the Iowa Judicial Branch website at: http://www.iowacourts.gov/eFiling/Overview/ or call the clerk of court office in your county. You can find a directory of clerk of court offices at: http://www.iowacourts.gov/Administration/Directories/ .

➢ If the county where this case is filed accepts electronic filing, you must file electronically unless you get permission from the court to file in paper. Contact the clerk of court if you are unable to file electronically.

➢ **The forms identified in this Guide are for changing child support only.** You cannot these forms to change child custody, physical care, or visitation arrangements. If you want to change one of these things, you should talk to an attorney.

➢ **Read this Guide carefully.** This Guide will help you through the steps for modifying child support, but **many issues can be complicated, and you may need to talk to an attorney.**

➢ Submission of these forms does not guarantee your application to change child support will be granted without a hearing or further questions from the judge.

➢ Even if you both agree on the terms for modifying child support, **you must have a judge approve the change in child support** and go through many steps in the court process to modify child support.

➢ 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 child support modification.

➢ **Important:** An Iowa court can only decide child support matters if it has jurisdiction. Jurisdiction is very complicated. If the child support to be modified was not entered in Iowa, an Iowa judge may not be able to change child support. If Iowa does not have jurisdiction to enter an order, the order may not be good. **If the child support order to be modified was not entered in Iowa, you should contact an attorney.**

➢ **Child support is not changed until a judge signs a final "Decree."**

➢ In a child support modification, the parties keep their titles, "Petitioner" or "Respondent," from their original divorce actions. In child support modification cases, "**Applicant**" is the party who started the modification case by filing an Application to Modify Child Support (form 301). Either Petitioner or Respondent can be "Applicant." The "**other party**" sometimes refers to the party (either Petitioner or Respondent) who receives service of the Application. Part VI of this Guide defines many other legal terms you should know.

- On pages 5 and 6 of this Guide is a list of approved court forms for modifying child support available from the Iowa Judicial Branch website at: http://www.iowacourts.gov/eFiling/eFiling_Forms/ or at: http://www.iowacourts.gov/For_the_Public/Representing_Yourself_in_Court/DivorceFamily_Law/Forms/index.asp. The forms are also in Chapter 17 of the Iowa Court Rules.
- Carefully read the instructions on the forms. You should read part IX of this Guide: *Tips on Handling Your Own Case in Iowa's Courts.*
- The law says that parents must support their children, whether the parents of the children live together or not.
- These court forms (301-328) can only be used to increase, decrease, or stop child support payments.
- A person can ask the court to change child support only if something changes so that the current amount of support is wrong.
- You can use these forms to stop child support payments if you have been paying child support, but you now have custody of the children or the children are no longer eligible to receive child support. (For example, a child turned 18 years of age and is no longer in school.)
- **You cannot modify child support by publishing Notice.**
- Child support may have been set in a divorce Decree; it also could be set in a custody case.
- The **Child Support Recovery Unit (CSRU)** may also file a case to set child support. If CSRU is involved in your child support modification case, you must also provide each form you file to the CSRU office that serves the county where your child support case is filed. (See section VIII of this Guide for information on CSRU offices.)
- Judges and CSRU use the Iowa Child Support Guidelines (Guidelines) to determine income and set support amounts.
- **The amount of support the Guidelines provide must be used unless there is a very good reason for using a different amount.**
- **Using the Guidelines can be very complicated, and you may need to talk to an attorney.**
- CSRU provides a child support estimator on its website that you may use to obtain an estimate of the amount of support.
- Child support laws are very complicated. The laws are in chapters 252A to 252K of the Iowa Code. You can find the *Iowa Code* in public libraries, or on the Iowa legislature's website. Other statutes and rules also deal with child support, including Chapter 9 of the Iowa Court Rules. **You should talk to an attorney if you are having difficulty understanding these laws and rules.**
- It is illegal to sign another person's signature on any court form or other legal paper.
- **Important:** Clerks of court and court staff cannot give you legal advice.

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Electronic Filing (EDMS)

- If your case will be or is filed in a county that uses electronic filing, you are required to register and electronically file your documents using the Electronic Document Management System (EDMS). In exceptional circumstances, you may apply to the court for an exemption (to be excused), from electronic filing requirements.
- Because documents in child support modification cases will become public case when filed with the court, it is critical that you understand and know your responsibility for these two things:
  - **What information is protected (or may or should be kept private);** and
  - **How to redact (or remove) protected information** from the papers (or forms) that you file in your case.
- *See* Chapter 16 Rules Pertaining to the Use of the Electronic Document Management System at: http://www.iowacourts.gov/eFiling/Overview/. Refer to Division VI of Chapter 16 for rules on protecting private information.
- You must still personally serve the other party with a copy of your Application and Original Notice, even if you are filing electronically. After the Application and Original Notice documents are personally served, whenever you electronically file an additional document in your case, EDMS will serve a copy of that document on the other registered party or the other party's attorney if there is one.
- The Notice of Electronic Filing (NEF) will indicate if the other party is excused from electronic filing requirements, in which case, you must mail a copy or serve in paper a copy of the document on the other party if he or she does not have an attorney.
- Even if you are filing electronically, most child support modification forms require you to certify the information you are providing by handwriting your signature on the form. These forms must then be scanned in and electronically filed.
- To view the modification forms, you must have Adobe Acrobat Reader installed. Go to: http://get.adobe.com/reader/.

Paper Filing

- If the county in which the Application is filed uses electronic filing, you must receive permission from the court before you can file in paper.
- Some instructions, and some forms, are different if you are filing in paper rather than electronically.
- Whenever you file a paper at the clerk of court office, you must deliver a copy of that paper to the other party or the other party's attorney. You should also keep a copy for yourself. The only **exception** is the Confidential Information Form (303): *Do not give a copy of that form to the other party.*
- If CSRU is involved in your child support modification case, you must also provide each form you file to the CSRU office that serves the county where your child support case is filed. (See section VIII of this Guide for information on CSRU offices.)
- Because documents in child support modification cases become public case when filed with the court, it is critical that you understand and know your responsibility for these two things:
  - **What information is protected (or may or should be kept private);** and
  - **How to redact (or remove) protected information** from the papers (or forms) that you file in your case.
- Be sure to print clearly when filling in paper forms.

Guide to Representing Yourself in a
Child Support Modification Case in Iowa

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I. Approved Iowa Child Support Modification Forms for Self-Represented Parties

These forms are available from the Iowa Judicial Branch website free of charge in fillable and savable format: www.iowacourts.gov.

Before using any Iowa court forms listed below, read this Guide, including part **IX:** *Tips on Handling Your Own Case in Iowa's Courts.*

Chapter 17 forms an **Applicant** can use to start the child support modification process:

➢ 301	Application to Modify Child Support
302	Coversheet for an Application to Modify Child Support. ***Use only if filing in paper; not for electronic filing.***
303	Confidential Information Form. ***Use only if filing in paper; not for electronic filing.*** *Each party filing in paper must provide the clerk of court personal identifying information on this form, which will be kept confidential.*
304	Original Notice for Personal Service. ***Use only if filing electronically; not for paper filing.*** ***Note:*** *For electronic filing, a clerk of court signature page will be added to the Original Notice form when the clerk approves the Original Notice. Page numbering on the form has been adjusted to account for the addition of this page in electronic filing.*
304a	Original Notice for Personal Service. ***Use only if filing in paper; not for electronic filing.***
➢ 305	Acceptance of Service. *Applicant completes the top part of this form; the other party completes the bottom part and returns the form to Applicant for filing.*
➢ 306	Directions for Service of Original Notice
➢ 309	Application and Affidavit to Defer Payment of Costs. *Optional: Use this form if you cannot afford to pay the court filing fees.*
➢ 310	Affidavit of Service of Original Notice and Application to Modify Child Support. *Use if someone other than Applicant, a sheriff, or process server delivers a copy of the Application (301) and Original Notice (304 if filing electronically; 304a if filing in paper) to the other party.*
➢ 311	Protected Information Disclosure. *Electronic filers use this form to identify the complete version of any protected information or other information redacted in documents filed. It is recommended that paper filers do the same.*

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Chapter 17 forms the other party can use to file an Answer to the Application:

303	Confidential Information Form. ***Use only if filing in paper; not for electronic filing.*** *Each party filing in paper must provide the clerk of court personal identifying information on this form, which will be kept confidential.*
➢ 311	Protected Information Disclosure. *Electronic filers use this form to identify the complete version of any protected information or other information redacted in documents filed. It is recommended that paper filers do the same.*
➢ 315	Answer to Application to Modify Child Support. *The other party uses this form if Applicant uses form 301.*
➢ 316	General Answer to Application to Modify Child Support. *The other party uses this form if Applicant does **not** use form 301.*

Chapter 17 forms either party may use in a case to modify child support:

➢ 322	Motion in a Child Support Modification. *Optional: use this to ask a judge to take some action in your case.*
➢ 323	Response to a Motion in a Child Support Modification. *Use this if the other party files a Motion (322) and you disagree with something the other party is asking for in the Motion.*
➢ 324	Child Support Modification Financial Statement. *Each party in a child support modification **must** fill in and file one of these.*
➢ 325	Affidavit of Mailing Notice. *Applicant **must** file this Affidavit if he or she asks the court for a default Decree to modify child support.*
➢ 326	Notice of Intent to File Written Application for Default Decree. *A party uses this form if the other party is "in default." For example, the other party has not filed an Answer to the Application and Applicant wants to ask the court for a final Decree on child support modification.*
➢ 327	Request for Relief in a Child Support Modification. *Either party can use this form. Usually Applicant uses this if the other party has not filed an Answer to the Application and Applicant wants to move forward and ask the court for a Decree to modify child support.*
➢ 328	Settlement Agreement for an Application to Modify Child Support. *Use this if both parties agree on how to modify child support.*

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II. How to Begin a Child Support Modification

A. Applicant must fill in and sign the forms required to start the process to modify child support.

- You can get the forms you need free of charge and in fillable and savable format from the Iowa Judicial Branch website at: http://www.iowacourts.gov/For_the_Public/Representing_Yourself_in_Court/DivorceFamily_Law/Forms/. The forms are also in Chapter 17 of the Iowa Court Rules.
- Carefully read the specific instructions on each form. Some forms are different if you are filing in paper rather than electronically. If you do not understand something, you should contact an attorney. *Do not contact court staff about how to fill out forms.*
- Type or print clearly on each form. You should use a **blue ink** pen (if possible) to sign each form that requires a handwritten signature.

Here is a list of the forms a self-represented Applicant **must** use to start the child support modification process:

➢ 301	Application to Modify Child Support
➢ 302	Coversheet for an Application to Modify Child Support. ***Use only if filing in paper; not for electronic filing.***
303	Confidential Information Form. ***Use only if filing in paper; not for electronic filing.*** *Each party filing in paper must provide the clerk of court personal identifying information on this form, which will be kept confidential.*
➢ 304	Original Notice for Personal Service. ***Use only if filing electronically; not for paper filing. Note***: *For electronic filing, a clerk of court signature page will be added to the Original Notice form when the clerk approves the Original Notice. Page numbering on the form has been adjusted to account for the addition of this page in electronic filing.*
➢ 304a	Original Notice for Personal Service. *Use for paper filing only; not for electronic filing.*

The clerk of court in your county can tell you what the filing fee will be. If you believe you cannot afford the 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 309.

➢ 309	Application and Affidavit to Defer Payment of Costs. *Optional: Use this form if you cannot afford to pay the court filing fees.*

B. Filing the Application to Modify Child Support.

- Filing the Application electronically.
  - If you are filing an Application to Modify Child Support in a county that uses electronic filing, you must register to electronically file. For help with registration, see the eFile User Guide "How to Register Pro Se (Self Represented) for eFiling."
  - After you have registered, log in to the electronic filing system at: https://www.iowacourts.state.ia.us/EFile/ to electronically file the application.
  - For help electronically filing the Application, see "How to File a New Case" at: http://www.iowacourts.gov/eFiling/Training_Documents/.

- If you are unable to proceed electronically, you must receive permission from the court to file in paper. Contact the clerk of court in the county where the Application will be filed for more information on being excused from electronic filing.
- With your Application (form 301), you must also file an Original Notice (form 304) and a Protected Information Disclosure (form 311) with the full version of any protected information or other information you have redacted or omitted from the Application.
- If filing electronically, you will receive a Notice of Electronic Filing (NEF) when the clerk of court has approved the filing of your Application.
- Log in to your eFile account and download and print your Application, Original Notice, and Protected Information Disclosure so that you can serve (deliver them to) the other party.
- For help finding and downloading your Application, Original Notice, and Protected Information Disclosure, please see the "My Filings Reference Guide" at: http://www.iowacourts.gov/eFiling/Training_Documents/.

Filing your case in paper.

- If the county where you file your Application does not yet accept electronic filing, you must proceed in paper. If the county does accept electronic filing, you must proceed electronically, unless you have received permission from the court to file in paper.
- With your Application, you must also file a Cover Sheet for an Application to Modify Child Support (form 302), an Original Notice (form 304a), and a Confidential Information Form (form 303). It is also recommended that you file a Protected Information Disclosure (form 311) with the complete version of any protected information or other information that you have redacted or omitted from the Application.
- Forms 301 and 304a and, if applicable, 311**:** Make **two** copies if you can deliver copies of these forms to the other party in-person or by mail. Make **three** copies if you are going to ask the county sheriff or a civil process server to deliver these forms to the other party. If CSRU is involved in your case, you must also serve CSRU a copy of the Application and Original Notice.
- Forms 302 and 303: 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 clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.
- Take the original forms you filled in and the photocopies to the clerk of court office in your county. Tell the clerk at the counter you are filing an Application to Modify Child Support.
- Give the clerk at the counter the original forms and the photocopies of these forms:
  - 301 Application to Modify Child Support
  - 302 Coversheet for an Application to Modify Child Support
  - 303 Confidential Information Form (Do not make copies of this form.)
  - 304a Original Notice
  - 311 Protected Information Disclosure, if applicable
- Pay the filing fee, or file form 309. (*See* above.) The clerk at the counter can tell you the amount of the filing fee. *See* the term "Fees" in part **VI** of this Guide for a list of the fees you might have to pay during the child support modification process. The Iowa legislature sets these fees and periodically raises them, so check with the clerk's office to confirm the current filing fee.
- The clerk of court will sign the Original Notice (form 304a). You will have to serve this form on (deliver it to) the other party. (*See* section C, below.)
- The clerk at the counter will time-stamp each of the copies (original and photocopies).

C. Serve (deliver) the Original Notice (form 304 if filing electronically; form 304a if filing in paper), a copy of the Application (form 301), and, if applicable, the Protected Information Disclosure (form 311) on the other party. (See the definition of "Serve (Service)" on page 22.)

- Applicant must notify the other party that Applicant has filed an Application to Modify Child Support.
  - Some person other than a parent may get child support in your case, for example a grandparent or a sibling who is caring for the child.
  - If someone else gets child support for your child, you have to give that person a copy of the Original Notice of the Application and copies of papers that you file.
  - If the Child Support Recovery Unit (CSRU) is involved in your case, you must also serve CSRU a copy of the Original Notice and of the Application.
- **For both paper and electronic filers:**
  - **Important:** Applicant has **90 days** after filing the Application to serve the Application on the other party. If Applicant fails to meet this deadline the Application to Modify Child Support will be dismissed.
  - **Options for completing step C:** you have two options for completing service:
    - **Service Option 1:** You can hand the forms to the other party yourself, or send the forms to the other party by regular mail. You must also get the other party to sign an "Acceptance of Service" (form 305; s*ee* below). After the other party signs the Acceptance of Service form, you must meet the requirement for "proof of service" by:
      - If filing electronically:
        - File the Acceptance of Service form through EDMS.
        - For help, *See* "How to eFile to an Existing Case" at: http://www.iowacourts.gov/eFiling/Training_Documents/.
      - If filing in paper:
        - Make a photocopy of the Acceptance of Service form for your records; and
        - Take the original Acceptance of Service form (the one signed by the other party) to the clerk of court office for filing.

305	Acceptance of Service of Original Notice. *Applicant uses this when Applicant personally delivers the Original Notice and a copy of the Application to Respondent and Respondent is willing to sign the "Acceptance of Service" form.*

    - **Service Option 2:** You can ask the county sheriff or other civil process server to serve the forms on the other party. **Note**: If you filed an Application & Affidavit to Defer Costs (form 309) 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: 304 (if filing electronically) *or* 304a (if filing in paper), *and* 306 (s*ee* below).

306	Directions for Service of Original Notice. Use this if you know where the other party lives or works, but you want the county sheriff or other civil process server to deliver the Application (form 301) and Original Notice (form 304 or form 304a if filing in paper) to the other party.

- Give the county sheriff or other process server **two** copies of the:
  - Original Notice (form 304 or 304a)
  - Application (form 301)
  - Directions for Service (form 306)
  - Protected Information Disclosure (form 311), if applicable.
- Tell the sheriff or process server to deliver the Original Notice, Application, and Protected Information Disclosure to the other party.
- The sheriff or other process server will file the "proof of service" with the clerk of court after you pay the service fee. If the court granted your Application to Defer Costs (form 309), the county sheriff *must* be the one who delivers the forms to the other party.

- **If the Child Support Recovery Unit (CSRU) is involved in your case,** you must serve CSRU a copy of the Original Notice (form 304 or 304a) and of the Application (form 301). You should also include an Acceptance of Service form (form 305). Mail copies of these three forms to the CSRU office that serves the county where you child support modification case is filed. CSRU offices are very busy. You should wait a reasonable number of days for CSRU to file the Acceptance of Service. Then check with the clerk of court where the Application is filed to learn whether CSRU has filed an Acceptance of Service form. If CSRU has not filed an Acceptance of Service form, you must have the Polk County Sheriff (in Des Moines) or a civil process server deliver the Original Notice and Application to the Iowa Attorney General's office in Des Moines. The addresses of all CSRU regional offices, the Attorney General's office, and the Polk County Sheriff's office are in section VIII of this Guide.

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III. What to do if You have Received an Application to Modify Child Support

A. Carefully read the papers served on you (an Application and Original Notice).

- It is important to read the papers carefully to understand what **Applicant** is asking for in the Application.
- You (the other party) might also receive other papers (court "orders") filed in your case that tell you things you must do as part of the child support modification process. Examples of these orders are:
  - Setting the date for the pretrial conference,
  - Requiring each party to give financial or other information to the court, or
  - Requiring attendance at mediation (in some counties).
- Even if Applicant is not represented by an attorney, you may still talk to or hire an attorney to help you with the child support modification process.
- If the Application is filed in a county that uses electronic filing, you are required to register and electronically file your Answer and other documents using the Electronic Document Management System (EDMS). *See* "How to Register Pro Se (Self Represented) for eFiling" at: http://www.iowacourts.gov/wfData/files/EDMS/OnlineDocumentation/HowtoRegesterProSe_SelfRepresentedeFiler.pdf. *See* Chapter 16 Rules Pertaining to the Use of the Electronic Document Management System at: http://www.iowacourts.gov/wfdata/files/EDMS/OnlineDocumentation/C214hapter16Rules102213.pdf.
- In exceptional circumstances, you may apply for and be granted an exemption or be excused from electronic filing requirements. Contact the clerk of court in the county where the Application was filed for information on exemptions from electronic filing.
- Whenever you electronically file a document in your case, EDMS will serve a copy of that document on a registered party or the registered party's attorney. The Notice of Electronic Filing (NEF) will indicate if the party is exempt from the electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on the party if he or she does not have an attorney.

B. Filing your Answer to the Application.

- Within **20 days** after receiving a copy of the Application and Original Notice, you must file an Answer to the Application with the court. If you fail to file an Answer within 20 days, the court may grant a Decree modifying child support without your input.
- You can get the forms you need, free of charge, from the Iowa court system's website at: http://www.iowacourts.gov/For_the_Public/Representing_Yourself_in_Court/DivorceFamily_Law/Divorce/Forms__Instructions/index.asp .
- You should *carefully read the instructions* on the forms for how to fill them in. If you still do not understand something after reading the instructions, you should contact an attorney.
- The party receiving an Application to Modify Child Support must use form 315 or form 316 to answer the Application:

315	Answer to Application to Modify Child Support. *Use this to file an Answer if you received Application to Modify Child Support form 301 from Applicant.*
316	General Answer. *Use this if you received an Application seeking to change child support, but it was not form 301.*

- Decide which form you need. Then do the following:
  - Fill out the form.
  - Sign the form.

- **Filing your Answer electronically** (if the Application was filed in a county that uses EDMS).
  - Scan the signed Answer and save it as a .pdf. Save it in a place that will be accessible to you when you electronically file.
  - Log on to EDMS and file your Answer. For Help, *See* "How to eFile to an Existing Case" at: http://www.iowacourts.gov/eFiling/Training_Documents/.
  - EDMS will notify you when your Answer has been filed. You can then open the Answer and print a copy for your records. If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My Filings, correct the error, and resubmit your Answer. For help, *See* "How to Resubmit a Returned Filing" at: http://www.iowacourts.gov/eFiling/Training_Documents/.
  - The Notice of Electronic Filing will indicate if Applicant is exempt from electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on Applicant if he or she does not have an attorney.
- **Filing your Answer in paper:**
  - Make two photocopies of the original (three copies if CSRU is involved in your case).
  - Take your original Answer form and the photocopies to the clerk of court office in the county where the Application was filed. (The county is listed at the top of the Application 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.
  - Serve one of the copies of your Answer on Applicant, or if Applicant has an attorney, on Applicant's attorney, by mail or in person.
  - If the Child Support Recovery Unit (CSRU) is involved in your child support modification case, you must also mail a copy the CSRU office that serves the county where you child support modification case is filed. (See section VII of this Guide for information on CSRU regional offices.)

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IV. What Parties May or Must do Before Completing a Child Support Modification

A. Forms to use

- Here is a list of forms that either Applicant or the other party can use to complete the steps necessary to get a final Decree modifying child support.

➢ 322	Motion in a Child Support Modification. Use this to ask the court to do something in your case (optional).
➢ 323	Response to a Motion in a Child Support Modification. *Use this if Applicant or the other party has filed a Motion (form 322) and you disagree with something asked for in the Motion.*
➢ 324	Financial Affidavit for Application to Modify Child Support. *Each spouse **must** fill out and file one of these forms (required).*
➢ 325	Affidavit of Mailing Notice. *Applicant **must** file this if he or she asks the court for a divorce Decree by default.*
➢ 326	Notice of Intent to File a Written Application for Default Decree. *A party uses this form if the other party is "in default." For example, the other party has not filed an Answer to the Application and Applicant wants to ask the court to sign a final Decree modifying child support.*
➢ 327	Request for Relief in a Child Support Modification. *Either party can use this form. Usually Applicant uses this if the other party has not filed an Answer to the Application and Applicant wants to move forward and ask the court for a Decree to modify child support.*
➢ 328	Settlement Agreement for an Application to Modify Child Support. *Use this if both parties agree on how to modify child support.*

B. Things parties may or must do before getting a final Decree modifying child support.

- You may file a **Motion** requesting the court to do something.

  Applicant or the other party might need something that requires a temporary order from the court. If so, file a Motion (form 322) with the court to ask for what you want.

  - If a party files a Motion, and you disagree with what the party is asking the court to do, you should fill out and file a Response to the Motion (form 323). This form allows you to tell the court that you disagree with the party's Motion.
  - If your case is electronic, and the court schedules a hearing on the Motion, EDMS will send you a notice telling you the date, time, and location of the hearing.
  - If your case is in paper, and the court schedules a hearing on the Motion, the clerk's office will mail you a notice telling you the date, time, and location of the hearing.
  - You **must** go to the hearing if the court sets one. If you do not show up for the hearing, the court will not give you the things you request in your Motion.

- Complete and file a **Financial Affidavit** (form 324).

  Each party must fill out, sign, and file a Financial Affidavit for Application to Modify Child Support during the modification process.

  - Financial Affidavits give the court information about the parties' income.
  - The court will use this information to determine child support.
  - You will *not* get a Decree modifying child support until you complete the Financial Affidavit.

- The Child Support Guidelines set the amount of child support. To use the Guidelines, you have to know each parent's "net monthly income" and how many children of the parties' relationship the parent supports. Net monthly income is gross income (income before taxes are deducted) with taxes and some expenses subtracted. The Guidelines must be used in setting support unless there is a very good reason that the court approves for using a different amount.

- Complete and file a **Settlement Agreement** (form 328).

  If Applicant and the other party agree how to modify child support payments, you should complete together and file a Settlement Agreement (form 328).

  - Work together to fill out the Settlement Agreement.
  - Sign and print the Agreement and proceed with the steps for filing electronically or in paper.

- You might have to attend **educational or mediation programs**. The court may require the parties to attend an educational program or require a mediation session. These requirements vary by judicial district, and you should carefully read all information you receive from the court or the clerk of court.

C. Remember about filing documents:

If you are filing electronically

- Scan the signed document and save it as a .pdf. Save it in a place that will be accessible to you when you electronically file.
- Log in to EDMS and file the document at https://www.iowacourts.state.ia.us/EFile/. For Help, see "How to eFile to an Existing Case" at: http://www.iowacourts.gov/eFiling/Training_Documents/.
- EDMS will notify you when your document has been filed. You can then open the document and print a copy for your records. If there was a problem with your filing, EDMS will send you a Retraction Notice. You can then log in to My Filings, correct the error, and resubmit your document. For help, see "How to Resubmit a Returned Filing" at: http://www.iowacourts.gov/eFiling/Training_Documents/.
- The Notice of Electronic Filing will indicate if a party is exempt from electronic filing requirements, in which case, you must mail or serve in paper a copy of the document on the party if he or she does not have an attorney.

If you are filing in paper

- Make a photocopy for each person.
- File the original document at the clerk of court office in the courthouse.

V. How to Get a Final Decree Modifying Child Support

- Applicant and the other party have not completed a modification of child support until a judge signs a final Decree modifying child support. A judge prepares the final Decree.
- You can get a final Decree modifying child support by: (A) default, (B) written agreement, or (C) trial.

A. Modification of Child Support by Default

- Applicant can ask the court for a Decree by default if the other party did not file an Answer by the deadline or has not participated in the modification proceedings.
- *Applicant served the Original Notice and a copy of the Application on the other party (by mail, in-person, or by sheriff or process server), and the other party did not file an Answer within **20 days** of service or filing of an Acceptance of Service (form 305) or Affidavit of Service (form 310).* The 20-day period starts on:
  - The date the Original Notice (form 304 if filing electronically or form 304a if filing in paper) and a copy of the Application (form 301) were served on the other party by the county sheriff or other civil process server; or,
  - The date Applicant filed the Acceptance of Service (form 305) with the clerk of court; or
  - The date an Affidavit of Service (form 310) was filed with the clerk of court.
- If the other party did not file an Answer within the 20-day period, Applicant can ask the court for a Decree by default but first must give the other party a **10-day notice in writing**.
  - Applicant must first give the other party a **10-day notice in writing** that Applicant intends to ask the court for a modification Decree by default.
  - To give the other party a 10-day notice, Applicant must file a Notice of Intent to File a Written Application for a Default Decree (form 326) and serve a copy of this document on the other party.
  - After Applicant files a Notice of Intent to File a Written Application for a Default Decree (form 326) and it is served on the other party, Applicant must wait 10 days from the date of service *plus* 3 more days for mailing. If the other party does not file an Answer within **13 days**, Applicant can ask the court for a Decree modifying child support by default.
- **To request a Decree modifying child support by default:**
  - Prepare a Motion (form 322) to set a hearing date. On the Motion, check item 1A(2) ("Set a hearing date for modification of child support").
  - File the Motion with the clerk of court and serve a copy of the Motion on the other party and on CSRU if it is involved in the case.
- **After requesting a hearing date for a Decree modifying child support by default:**
  - If your case is electronic, EDMS will send you a notice telling you the date, time, and location of the hearing.
  - If your case is in paper, the clerk's office will mail you a notice telling you the date, time, and location of the hearing.
  - You **must** go to the hearing. If you do not show up for the hearing, the court will not give you a Decree modifying child support by default.

- **Before you go to the hearing:**
  - Fill out and print a Request for Relief (form 327). This form tells the judge that you want a final Decree modifying child support and what you want in the Decree.
    - Deliver one copy to the other party.
      - Applicant must deliver a copy to the other party by mail or in-person.
    - Bring the original forms with you to the hearing.
  - Read part **IX** in this Guide: Tips on Handling Your Own Case in Iowa's Court.

- **At the hearing:**
  - Be on time. Follow the advice in part **IX**: Tips on Handling Your Own Case in Iowa's Courts.
  - Bring your copy of the completed Financial Statement (form 324).
  - If your case is in paper, give the judge the original copy of your Request for Relief (form 327).
  - Respectfully ask the court to decide that the other party 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 Modifying Child Support and file it with the clerk of court.
- If your case is electronic, you can log in to EDMS and print off a copy of your Decree.
- If your case is in paper, the clerk of court will either give or mail a copy to you.

B. Decree Modifying Child Support by Settlement Agreement

- If Applicant and the other party agree on how to modify child support, you can work together to prepare a Settlement Agreement (form 328). **Note:** Even with a Settlement Agreement, the court will review the terms and must approve the terms of your Agreement before granting a final Decree modifying child support. After you complete and file the Agreement, you should:
  - File a Motion for a hearing date on your Agreement.
  - Ask the clerk of court 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.
- **Before you see the judge**, read part **IX**: Tips on Handling Your Own Case in Iowa's Courts.

- **When you see the judge:**
  - Be on time. Follow the advice in part **IX**: Tips on Handling Your Own Case in Iowa's Courts.
  - For your own reference, you should bring copies of your completed Financial Affidavit (form 324), completed and original Settlement Agreement (form 328) signed by both parties.
  - Be prepared for the judge to ask you questions about your Settlement Agreement.
  - The judge will review and must approve the terms of your Agreements before granting a final Decree modifying child support.

Continued on next page

- **After you see the judge:**
  - If the judge decides your case is ready for a Decree modifying child support, the judge will fill out a final Decree and file it with the clerk of court.
    - If your case is electronic, you will receive a Notice of Electronic Filing (NEF) when your Decree is filed and ready for you to download and print.
    - If your case is paper, the clerk of court will either give you a copy or mail a copy to you.

C. Decree Modifying Child Support by Trial

- If Applicant and the other party do not agree on how to settle the modification, ask the clerk of court how to schedule the case for trial. Follow the instructions of the clerk of court.

- **Before you go to court for the trial:**
  - Read part **IX**: *Tips on Handling Your Own Case in Iowa's Courts*.
  - Prepare to tell the judge what you want.
  - Each party should complete and file a separate Request for Relief (form 327).

- **When you appear before the judge at trial:**
  - Be on time. Follow the advice in part **IX**: *Tips on Handling Your Own Case in Iowa's Courts*.
  - For your own reference, you may want to bring copies of:
    - Your Request for Relief (form 327). Each party should have completed a Request for Relief.
    - Your Financial Affidavit (form 324). Each party should have completed a Financial Affidavit.
    - Any other forms and papers Applicant and the other party have filed with the clerk of court.
  - The judge will ask both parties questions about the issues you disagree about. The judge will make a final decision on child support.

- **After the trial:**
  - The judge will fill out and file a final Decree modifying child support with the clerk of court.
    - If your case is electronic, you will find your signed and file stamped Decree in your case history in EDMS.
    - If your case is in paper, the clerk of court will either give you a copy of your Decree or mail a copy to you.

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VI. Terms Used in the Child Support Modification Process

Acceptance of Service of Original Notice (form 305): On this form the other party can sign to acknowledge, or admit, receiving a copy of the divorce Application and Original Notice from Applicant. Signing this paper does **not** mean the other party agrees to the modification or anything else that is in the Application. (Note: the county sheriff or other civil process server does not need to serve the Application and Original Notice if the other party signs this Acceptance of Service.)

Affidavit of Mailing Notice (form 325): This form tells the court that the person mailed a notice to the other party. Applicant or the other party must use this form if he or she asks the court for a final Decree by default.

Affidavit of Service of Original Notice and Application to Modify Child Support (form 310): Use this form if another person who is not a sheriff or process server delivered the Application and Original Notice to the other party.

Answer (form 315 or 316): The other party uses the Answer to respond to what Applicant asks for in the Application.

Applicant: The person who files the Application to Modify Child Support, asking the court to change a child support order.

Application and Affidavit to Defer Payment of Costs (form 309): This form asks the court for an order to allow Applicant to file the Application without paying the filing fee or the costs of service at that time. You might be required to pay the fee or costs later.

Application to Modify Child Support: The Application (form 301) is a paper Applicant files with the court to start a new court case. It gives the court information about the parties involved in the case, and it tells the court what Applicant wants the court to do. In an Application to Modify Child Support, Applicant asks the court to change a child support order.

Chapter 16 Rules Pertaining to the Use of the Electronic Document Management System (EDMS): These are the rules that govern electronic filing, available on the Iowa Judicial Branch website. *See* Division VI of the Chapter 16 Rules about Protection of Personal Privacy. Your child support modification case is public, so it is critical that you understand what information you must protect from public disclosure and how to redact it from documents you file in your case.

Cover Sheet for an Application to Modify Child Support (form 302): This form is used only in nonelectronic cases (paper filing) and it identifies the type of lawsuit being filed (modification—children involved). It must be completed and filed with the Application (form 301).

Confidential Information Form (303): This form is used only in non-electronic cases (paper filing). Iowa law requires all parties filing in paper to provide the clerk of court with complete personal identifying information on a Confidential Information Form, including full birth dates, Social Security numbers, and full names of children. The clerk of court will keep this form confidential and separate from the divorce case. This form is not a public record.

Decree Modifying Child Support: A judge signs this document that changes child support and ends the child support modification case. By getting together and completing a Settlement Agreement (form 328), the parties can tell the judge what they both want the final Decree to say. The judge will review the Agreement and determine the final terms of the modification Decree. If the parties do not agree, a party can tell the judge what the party wants the final Decree to say by filling out and filing a Request for Relief (form 327). The judge will always make the final decision on what the Decree modifying child support will say.

Default: A Default or Default Judgment is a ruling from the court that one of the parties did not do something that was required during the modification process. For example, the judge could enter a default judgment if the other party 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 a Decree modifying child support. Forms 326 and 327 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 age 18 but is still in high school, or a child age 18 or older who is in college or is disabled and still needs support.

Directions for Service of Original Notice (form 306): This form gives information to the county sheriff or other civil process server on how and where to serve the Application on the other party. *See* "Serve (Service)" below.

Discovery: This is the process for the parties to give each other information that explains the facts about child support. You may have to do this by answering questions or providing papers.

Electronic Document Management System (EDMS): This is Iowa's Internet-based court system that allows you to electronically file documents and receive filings on your case from other parties and the court. Electronic filing is required in counties that use EDMS, and special court rules apply to cases that are electronically filed. You must register to use EDMS. *See* the eFiling page on the Iowa Judicial Branch website at: https://www.iowacourts.state.ia.us/EFile/ to request an account. *See also* "eFile Documents Links" on that page for rules, forms, and helpful guides to eFiling processes.

Electronic Filing (eFiling): Electronic filing, or "efiling," is the submission of documents through Iowa's Internet-based court system (EDMS). With electronic filing, you do not take a paper to the courthouse to file it, unless you have applied for and have received an exemption (*see* definition below) from electronic filing.

Exemption: All cases are presumed to be electronic unless they are in a county that has not yet implemented EDMS. Under exceptional circumstances, a party may ask the court to be excused from registering to participate in EDMS and receive an exemption from proceeding electronically.

Fees: Money you must pay to the clerk of court when you file your Application 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 clerk of court in the county where the case is filed.
   - **a.** Filing fee—to start a child support modification case ($110). (Iowa Code section 602.8105(1)(c))
   - **b.** Court reporting fee—for each hearing in court ($40). (Iowa Code section 625.8(2))

     Note on payment of court fees: At the end of your case, 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 the other party with an Original Notice. The amount varies by county.

File: This word has two meanings:

1. "To file" a document is the act of giving the document to the clerk of court.
   - In electronic cases, this means filing a document through EDMS. The system will stamp the date and time the document is submitted to the system and when the system generated a Notice of Electronic Filing (also known as NEF).
   - In paper, or nonelectronic cases, filing a document means handing the paper document to the clerk of court. The clerk will stamp on the document the date and time that the clerk received the document for filing.
2. **"**File" (or "court file") also means the folder(s) in which the clerk of court places the documents for a court case.

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

Financial Affidavit (form 324): This form provides information to the court about the parties' income and expenses. Each party must complete a Financial Affidavit.

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.

Iowa Child Support Guidelines: The uniform Iowa Child Support Guidelines (Guidelines) are used for calculating and determining amounts of child support. The purpose of the Guidelines is to provide for the best interests of the children while recognizing the duty of both parents to provide adequate support for their children in proportion to their respective incomes.

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

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

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

Legal Parent: A person who is recognized by law as a parent to the child.

Local Rules: Some Iowa judicial districts have local rules that must be considered while processing your case. You can find these local rules, if any, on the Iowa Judicial Branch website at: http://www.iowacourts.gov/About_the_Courts/District_Courts/.

When you get to this page, click on the judicial district for the county where your case is filed. For example: Johnson County is in "District 6," and so you would click on "District Six" on the left side of the page. Then click on the "Local Rules" link underneath (if there is one).

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

Motion in a Child Support Modification (form 322): A Motion is a filing 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 to schedule a hearing.

Motion and Affidavit to Serve by Publication: Form 307 is a paper that asks the court to let the party publish a notice in the newspaper that a case has been filed. The person tells the court what they did to try to find the other person to serve the papers.

Net Monthly Income: This is the amount of income that 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.

Notice of Electronic Filing (NEF): This is the notice generated by EDMS when you, the other party, or the court files a document in your case. EDMS serves (*see* the definition for "Serve (Service)" below) most case filings by means of the NEF. The NEF indicates who on the case was electronically served and who will need to be served by mail because of an exemption from electronic filing. Keep a copy of the NEF for your records. The NEF alerts you to log in to EDMS and look at the filings on your case, either in the Notification or the My Cases page for documents filed by other case parties and the court, or through the My Filings page for documents you filed. If you are Applicant, you find the Original Notice and Application that you must serve on the other party in your My Filings page of EDMS.

Notice of Intent to File a Written Application for Default Decree: Applicant uses form 326 if the other party is "in default," which means he or she has not filed an Answer to the Application, and Applicant wants to ask the court to sign a final Decree modifying child support.

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

Original Notice for Personal Service (forms 304 and 304a): An Original Notice is prepared and filed by Applicant and signed by the clerk of court. Applicant serves the Notice on the other party along with the

Application. This tells the other party that Applicant has filed an Application to Modify Child Support.

Other Party: In a child support modification case, the "other party" is the person who receives the Application to Modify Child Support from Applicant. The other party can be either Petitioner or Respondent from the initial family law proceeding.

Paper Filers: Persons who have applied to the court and been granted an exemption from filing electronically, or persons whose case is set in a county that does not yet have electronic filing.

Party: This refers to a person or business in a court case. In a case to modify child support, the two parents, and possibly CSRU, are "parties" in the lawsuit.

Petitioner: The person who files a Petition to start a family law or other civil law case in court. In an Application to Modify Child Support, Petitioner can be Applicant and start the modification, or Petitioner can be the other party who receives the Application.

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

Pro se (Pronounced "proh-say.")**:** This is a Latin term, which means "for or on behalf of oneself." It is sometimes used to describe a person (a *pro se* party) 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*.

- If you do not have an attorney, when you register to electronically file, you will pick "Registered Filer" as your category and be a "Pro se" filer.

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

Protected Information: Documents filed in a child support modification will be available to members of the public upon request. Protected information is personal information that should not be available to the public unless it is required by law or is material to the case. Documents filed in a modification of child support action may be available to members of the public upon request.

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

Protected Information Disclosure (form 311): On this form filers will provide the complete version of protected information. It is not a public record.

Redact (or Redaction): "Redacting" information means removing a portion of the information so that 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.

- While it is not required, the following information may be treated as protected or confidential, and thus redacted, 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: If your case is electronic, you must register for an account to file electronically through EDMS. For help, visit the Iowa Judicial Branch website and see "How to Register Pro Se (Self Represented) for eFiling" at http://www.iowacourts.gov/eFiling/Training_Documents/.

Request for Relief: In form 327 you ask the court to do something for you. For example, in form 327 you tell the court how you want the child support terms changed. The court considers this in drafting its Decree.

Respondent: The person who receives a Petition starting a family law or other civil law case in court. In an Application to Modify Child Support case, Respondent can be Applicant and start the modification, or Respondent can be the other party who receives the Application.

Return of Service: On this form, the county sheriff or civil process server tells the court that the other party has received a copy of the Application 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 help from an attorney. A self-represented party is sometimes called a pro se (pronounced "proh-say") party. "Pro se" is a Latin term, which means "for or on behalf of oneself."

- As a self-represented party, when you register to file electronically, you will pick "Registered Filer" as your category and be a "Pro se" filer.

Serve (Service): To give the other party (and CSRU if involved in your case) a copy of a form or document, like the Application and Original Notice. Some papers must be given in-person and some papers can be sent by mail or served electronically.

- After the Application and Original Notice are personally served by the Applicant, EDMS serves most papers by means of the Notice of Electronic Filing (NEF). Exceptions to electronic service are made for people who apply for and are granted an exemption by the court. *See* Rule 16.317 for rules on service of documents subsequent to the original notice.
- **Electronic Service:** This is where an electronically filed document or form is served by EDMS on all registered case parties who have filed an Answer (if a self-represented party) or an Appearance (if an attorney).
- **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.
- **Personal Service:** This is where a paper (legal document) is delivered to a party in a court case by a party, another person, a sheriff, or some other civil process server. *See* forms 305 (Acceptance of Service), 306 (Directions for Service), and 310 (Affidavit of Service).

Settlement Agreement: A paper (form 328) with the final agreement between the parties on how to change child support. It is filed with the clerk of court and then given to the judge. The Settlement Agreement (form 328) will include details for the Decree modifying of child support, if the judge agrees those terms are fair to both sides and in the best interests of the children.

Subpoena (Pronounced "suh-pee-nuh.")**:** 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.

VII. Clerk of Court Offices in Iowa

- Each county in Iowa has a clerk of court office for the district court of that county.
- The Iowa Judicial Branch website provides a directory of clerk of court offices in Iowa: http://www.iowacourts.gov/Administration/Directories/ .

A. Electronic filing or paper filing

- The clerk of court can tell you whether your county uses electronic filing (EDMS). This information is also available on the Iowa Judicial Branch website at: http://www.iowacourts.gov/eFiling/Overview/ .
- If your county uses electronic filing, but you cannot proceed electronically, you must receive permission from the court to file in paper. Contact the clerk of court in the county where the Application will be or has been filed for more information on being excused from electronic filing.
  - If the county where your case is does not yet accept electronic filing, you must proceed in paper. For documents or forms you want to file with the court, take originals and copies to the clerk of court office in your county.

B. Filing fees

- The clerk of court in your county can tell you what the filing fee will be in your case. The Iowa legislature sets these fees and periodically raises them, so check with the clerk's office to confirm the current filing fee.

C. Scheduling questions

- Contact the clerk of court for scheduling questions.
  - If Applicant and the other party do not agree on how to settle the modification, ask the clerk of court how to schedule the case for trial. Follow the instructions of the clerk of 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.
    You should immediately call the clerk of court office where your hearing is scheduled.
    - 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.
    - 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 clerk of court. In a divorce case with dependent children, use the family law Motion (form 322) to ask the court for a new hearing date.
    - Do this as soon as you know you need to reschedule the hearing.

D. Important: Clerks of court and court staff cannot give you legal advice.

VII. Child Support Recovery Unit (CSRU) Offices in Iowa

Important: If CSRU is involved in your child support modification case, you must make sure the legal papers or forms you file in your child support case are served to the CSRU office that serves the *county* where your child support modification case is filed.

If you have questions, call your local CSRU office. Local CSRU offices are open 8:00 a.m. to 4:30 p.m., central time, Monday through Friday, except state holidays. You can also call the child support automated information line 24 hours a day, 7 days a week, toll free, at : 1-888-229-9223 for additional information or visit the Iowa Department of Human Services website at https://childsupport.ia.gov.

Local CSRU Offices in the State of Iowa

Ankeny Child Support Recovery Unit
1605 SE Delaware Ave Suite A
Ankeny IA 50021-4595
515-369-2800
Counties: Polk (NAT- STH)

Burlington Child Support Recovery Unit
409 N 4th St
PO Box 638
Burlington IA 52601-0638
319-753-6322
Counties: Des Moines, Henry, Louisa, Muscatine

Carroll Child Support Recovery Unit
625 N West St
PO Box 937
Carroll IA 51401-0937
712-792-5691
Counties: Audubon, Boone, Carroll, Crawford, Greene, Guthrie, Sac

Cedar Rapids Child Support Recovery Unit
411 - 3rd St SE Suite 200
Cedar Rapids IA 52401-1837
319-398-3619
Counties: Iowa, Johnson, Linn

Clinton Child Support Recovery Unit
121 6th Ave So
PO Box 1175
Clinton IA 52733-1175
563-243-8237
Handles Interstate Enforcement and Outgoing Establishment for the Eastern Region

Council Bluffs Child Support Recovery Unit
300 W Broadway Suite 32
Council Bluffs IA 51503-9030
712-242-2358
Counties: Freemont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, Taylor

Creston Child Support Recovery Unit
215 W Adams
Creston IA 50801-3106
641-782-5844
Counties: Adair, Adams, Cass, Clarke, Decatur, Polk (Wen – Z), Ringgold, Union

Davenport Child Support Recovery Unit
3911 W Locust
Davenport IA 52804-3021
563-388-0409
Counties: Cedar, Clinton, Scott

Decorah Child Support Recovery Unit
317 Washington St Suite 2
Decorah IA 52101-1832
563-382-2666
Counties: Allamakee, Benton, Chickasaw, Clayton, Fayette, Howard, Winneshiek

Des Moines North Child Support Recovery Unit
6200 Aurora Ave Suite 301E
Urbandale IA 50322-2865
515-369-2750
Counties: Polk (CR – HOD)

Des Moines South Child Support Recovery Unit
525 SW 5th Street Suite H
Des Moines IA 50309-4501
515-369-2860
Counties: Polk (HOE – NAS)

Dubuque Child Support Recovery Unit
960 Main St
PO Box 3068
Dubuque IA 52004-3068
563-557-7113
Counties: Dubuque, Jackson, Jones

Fort Dodge Child Support Recovery Unit
330 1st Ave N
Fort Dodge IA 50501-3718
515-955-5464
Counties: Calhoun, Hamilton, Humboldt, Webster, Wright

Grimes Child Support Recovery Unit
3560 SW Brookside Dr. Suite E
Grimes IA 50111-5062
515-369-2850
Counties: Dallas, Polk (VEN – WEM), Story

Indianola Child Support Recovery Unit
1807 West 2nd Avenue
Indianola IA 50125-2145
515-962-5400
Counties: Madison, Marion, Polk (STI – VEM), Warren

Local CSRU Offices in the State of Iowa (continued)

Marshalltown Child Support Recovery Unit
204 1/2 W State St
Marshalltown IA 50158-5842
641-753-6408
Counties: Butler, Grundy, Hardin, Marshall, Poweshiek, Tama

Mason City Child Support Recovery Unit
Mohawk Square Suite 13
22 N Georgia Ave
Mason City IA 50401-3435
641-424-1147
Counties: Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth

Ottumwa Child Support Recovery Unit
127 E Main Suite 100
Ottumwa IA 52501-2951
641-682-8802
Counties: Appanoose, Davis, Jefferson, Keokuk, Lee, Lucas, Mahaska, Monroe, Van Buren, Wapello, Washington, Wayne

Pleasant Hill Child Support Recovery Unit
1300 Metro East Drive Suite 114
Pleasant Hill IA 50327-8906
515-261-5870
Counties: Jasper, Polk (A – CQ)

Sioux City Child Support Recovery Unit
520 Nebraska St Suite 218
Sioux City IA 51101-1315
712-255-2749
Counties: Buena Vista, Cherokee, Ida, Monona, Plymouth, Woodbury

Spencer Child Support Recovery Unit
20 W 6th St Suite 200
Spencer IA 51301-3907
712-262-1412
Counties: Clay, Dickenson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Pocahontas, Sioux

Waterloo Child Support Recovery Unit
501 Sycamore Suite 400
Waterloo IA 50703-4651
319-291-2646
Counties: Black Hawk, Bremer, Buchanan, Delaware

Other Addresses You Might Need for Serving Notice on CSRU

See the instructions for forms 304, 305, and 306 in this Guide. If CSRU did not file an Acceptance of Service form, then you must have the Polk County Sheriff in Des Moines (see address below) or a civil process server deliver the Original Notice (form 304 or 304a) and the Application (form 301) to the Iowa Attorney General's office in Des Moines (see address below).

Polk County Sheriff's Office
206 6th St., Suite 112
Des Moines, IA 50309
Phone: 515-286-3800

Iowa Attorney General's Office
1305 E. Walnut
Des Moines IA 50319
Phone: 515-281-5164

IX. *Tips on Handling Your Own Case in Iowa's Courts*

A. 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:
  - Judges and court staff must not take sides or appear to 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.
  - If court staff gives you advice and it turns out to be wrong, you could lose your case.

B. Court staff *cannot*:

- Tell you what you *should* do about *anything* involving your court case. They *cannot* tell you:
  - Whether you should file a specific form.
  - What words or phrases you should use in a form.
  - What persons you should file a lawsuit against.
  - How much money to ask for from the other party.
  - What questions to ask witnesses or other parties.
  - Whether to appeal a judge's decision.
  - 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. The clerk, however, must write down o*nly* the exact words provided by the person who requested help.
- Court staff cannot tell you the meaning of laws or court decisions.
- Court staff cannot perform legal research for a person involved in a court case.
- Court staff cannot predict the outcome of a case, a paper filed, or some other action in a case.

C. Court staff *can*:

- 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 does not 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.

D. You *cannot* 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 also send copies of your email or regular mail to the other people involved in your case at the same time.
- 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 with you.
- 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,

- **If your case is electronic**, you must electronically file the document as a Motion or Application (whichever is correct), so that EDMS can notify all parties of your request.
- **If your case is in paper**, you must put the request in writing. (*See* approved Iowa court forms for examples of how to do this.)
  - Make enough copies for you and all the other parties.
  - Take the papers to the clerk of court office. The clerk will stamp each copy and keep one.
  - Deliver a copy to each of the other parties or their attorneys. Keep a copy for yourself.

E. Be prepared

- Keep copies of all the papers you file in court and the papers 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 present your side of the 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.
- If you are filing electronically, any document you plan to use as an exhibit at a hearing or trial can be submitted electronically using the Exhibit Submission event.
- Remember to redact protected information from your exhibit submissions, because they are public documents.
- If a witness refuses to come to court to testify, you can ask the court to issue a *subpoena* (pronounced "suh-pee-nuh"). A subpoena is 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.

F. Be on time

- If you are not in court when your case is called (scheduled), 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 have to come back on another day—possibly a few weeks later.

G. 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 electronically file a paper through EDMS, the system will serve that paper to the other party or (parties) or the other party's attorney.
  - The Notice of Electronic Filing (NEF) will tell you who was served and whether you must send paper copies to anyone who is exempt from electronic filing.
  - When you file a document in paper at the clerk of court 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.

H. 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 and other electronic devices when in court.*

I. Dress appropriately

- In court you should wear business attire such as a suit, sport coat, dress, or dress slacks, if you can. 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.

J. 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.

K. If you cannot attend a court hearing or cannot 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.
  You should immediately call the clerk of court office where your hearing is scheduled.
  - 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.
  - 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 clerk of court. In a divorce case with dependent children, use the family law Motion (form 322) to ask the court for a new hearing date.
  - Do this as soon as you know you need to reschedule the hearing.
    - 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.
    - If your case is electronic, file the Motion using EDMS, and the system will serve your request to the other party.
    - Attach the written agreement to your Motion as an "Attachment" and electronically file the Motion.
    - The clerk will approve your Motion and then your request will automatically go to a judge for consideration.
    - If your case is in paper, after you file the Motion at the clerk's office, deliver a copy of your request to the other party.
    - The clerk of court will give your request to a judge for consideration.
- Because judges are busy, you probably will not 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.

End