

Rule 17.400—Form 401: Petition for Custody and Visitation (Parents not Married)

Read the [Guide to Representing Yourself in an Iowa Custody and Visitation Case \(Parents not Married\)](#) on the Iowa Judicial Branch website before using this form.

Petitioner: Use this form only if one or more of the following are true:

- There are children under age 18 who are children of both Petitioner and Respondent.
- There are children under age 18 who were adopted by both Petitioner and Respondent.
- A parent is pregnant with the other parent's child.
- The parties have never been married to each other.



If filing electronically, you must provide any protected information in full on form 411.



If filing in paper, you may use form 411 to provide any protected information in full.

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

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

Upon the Petition of

Petitioner *Full name: first, middle, last*
The parent who files the Petition

and concerning

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

For clerk's use only

**Petition for Custody and Visitation
(Parents not Married)**

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

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

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

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

B. Respondent's (the other parent's) birth year and present residence: _____
Birth year

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

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

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

C. Other person, if any, who has visitation or custody rights of the parties' children:
Fill in as much information as you know.

Full name: first, middle, last

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

_____ (____) _____

County _____ *Phone number* _____ *Email address* _____

2. General Information about the Parties and the Children

A. Children

Check all that are true

- A. There are children under age 18 who are the biological children of both Petitioner and Respondent.
- B. There are children under age 18 who are the biological children of one party and adopted by the other party.
- C. There are children under age 18 who were adopted by both parties.
- D. Petitioner or Respondent is pregnant.

B. Identification of children

| | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| First, middle, & last initials | | | | | | |
| Birth year | | | | | | |

Check this box if you have attached a separate sheet listing additional children.

C. Legal parents

For each child of the parties, state if legal parents have been established and how. If established by genetic testing or paternity affidavit, check the box marked "Other" and explain on section 4 below.

| | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Legal parents established? | | | | | | |
| Yes | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| No | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Unknown | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If established, state how: | | | | | | |
| Prior court order | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| On birth certificate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (explain in section 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

D. Children’s living arrangements

Places where the children have lived during the last five years and the parent(s) or adult(s) who acted as parent(s): *Fill in as much information as you know.*

| | | | | | | | |
|-----|----------------------------|------------------------|------------------|----------------------|------------------|------------------|------------------|
| (1) | Children’s initials | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
| | Lived with | <i>Adult Name</i> | | | <i>City</i> | | <i>State</i> |
| | Dates | <i>From mm/dd/yyyy</i> | | <i>To mm/dd/yyyy</i> | | | |

| | | | | | | | |
|-----|----------------------------|------------------------|------------------|----------------------|------------------|------------------|------------------|
| (2) | Children’s initials | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
| | Lived with | <i>Adult Name</i> | | | <i>City</i> | | <i>State</i> |
| | Dates | <i>From mm/dd/yyyy</i> | | <i>To mm/dd/yyyy</i> | | | |

| | | | | | | | |
|-----|----------------------------|------------------------|------------------|----------------------|------------------|------------------|------------------|
| (3) | Children’s initials | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
| | Lived with | <i>Adult Name</i> | | | <i>City</i> | | <i>State</i> |
| | Dates | <i>From mm/dd/yyyy</i> | | <i>To mm/dd/yyyy</i> | | | |

| | | | | | | | |
|-----|----------------------------|------------------------|------------------|----------------------|------------------|------------------|------------------|
| (4) | Children’s initials | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
| | Lived with | <i>Adult Name</i> | | | <i>City</i> | | <i>State</i> |
| | Dates | <i>From mm/dd/yyyy</i> | | <i>To mm/dd/yyyy</i> | | | |

| | | | | | | | |
|-----|----------------------------|------------------------|------------------|----------------------|------------------|------------------|------------------|
| (5) | Children’s initials | Child (1) | Child (2) | Child (3) | Child (4) | Child (5) | Child (6) |
| | Lived with | <i>Adult Name</i> | | | <i>City</i> | | <i>State</i> |
| | Dates | <i>From mm/dd/yyyy</i> | | <i>To mm/dd/yyyy</i> | | | |

Check this box if you have attached a separate sheet listing additional children or addresses.

Note: If the children have been in Iowa for less than six months, an Iowa court may not be able to issue an order about custody or visitation. The rules are complicated and you may need to talk to an attorney.

E. Respondent's status

Check each that is true

- (1) Respondent (the other parent) is in the military service.

If you check (1), there are special rules that may prevent your case from going forward if the other parent is in the military. You should talk to an attorney.

- (2) Respondent is in prison or jail at _____ in _____.
Name of facility State

F. Protective or no contact order

Check one

- (1) There is neither a "protective order" nor a "no contact order" between Petitioner (you) and Respondent (the other parent).

- (2) There is a "protective order" or a "no contact order" between Petitioner and Respondent.

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

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

- b. Court case number: _____

3. Other Cases about the Children

Check A or B

- A. There are no other cases about the children. *If you check A, skip to 4.*

- B. There are other cases about the children.

Note: If there is a court order from out of state about the children, an Iowa court may not be able to issue an order about custody or visitation. The rules are complicated and you may need to talk to an attorney.

If you check B, fill in the applicable information below.

A. Juvenile court

Check a or b

- a. There is no juvenile court case.

- b. There is a juvenile court case.

If you check b, fill in the following information:

- i. County and state of the juvenile court case: _____
County State

- ii. Juvenile court case number: _____

Check one

- (a) Concurrent jurisdiction has been granted.

- (b) Concurrent jurisdiction has not been granted.

If the juvenile court has not given concurrent jurisdiction (permission), then child custody cannot be decided in this case. You should talk to an attorney.

B. Custody order

You might not be able to get custody in Iowa if there is a custody order entered in another state.

Check a or b

- a. There is no custody order.
- b. There is a custody order.

If you check b, fill in the following information:

- i. County and state where the custody order came from: _____
County State
- ii. Court case number: _____

C. Child support order

Check a or b

- a. There is no child support order.
- b. There is a child support order.

If you check b, fill in the following information:

- i. County and state where the child support order came from: _____
County State
- ii. Court case number: _____
- iii. List the children the support case covers (*initials only*):

4. Other Information *All of the basic information you need to tell the court is listed on this form. Provide other information only if you need to explain something.*

5. Petitioner's Request

Petitioner asks the court to:

Check all that apply. The court will only consider items that are checked. If you do not know what you want, talk to an attorney.

- A. Decide custody and visitation.
- B. Establish legal parent.
- C. Order child support and medical support.
- D. Order that Respondent pay the court fees.
- E. Order that Respondent pay for Petitioner's attorney's fees
- F. Other request:

6. Attorney Help

Check one

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

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

Name of attorney or organization, if any *Attorney's PIN – Ask the attorney*

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

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

7. Service Instructions

If Petitioner is filing in paper,

Check one

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

8. Oath and Signature

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

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

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

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

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

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

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

Instructions for Rule 17.400—Form 401: *Petition for Custody and Visitation (Parents not Married)*

Do not file these instructions

Instructions for Filing a Petition for Custody and Visitation

The Iowa Judicial Branch uses an electronic filing court system, known as the eFile System. **You must file electronically** unless you get permission from the court to file in paper. Contact the clerk of court in your county if you are unable to file electronically.

Filing your Petition electronically

- You must register to file electronically. For help, see the [eFile User Guide](#) and the instructions on the [eFile Instructions page](#) on the Iowa Judicial Branch website.
- After you have registered, log in to the eFile system to file electronically your custody case.
- With your Petition, you must also file an Original Notice (404) and a Protected Information Disclosure Form (411).
- You will receive a Notice of Electronic Filing when the clerk of court has approved the filing of your Petition and other documents.
- If there was a problem with your filing, you will receive a Notification of Electronic Filing in your eFile account. Log into My Filings, correct the error, and resubmit your filing. For help, see [Resubmitting a Returned Filing](#).
- Log in to your eFile account and download and print your Petition and Original Notice so that you can serve it on (deliver it to) the other parent.
- For help finding and downloading your Petition and Original Notice, see [Managing your filings](#).

Filing your Petition in paper

- To request permission from the court to file in paper, you must file a Motion for Exemption From Registration and E-filing [Rule 16.302(2)] along with your Petition (401), a Petition Cover Sheet (402), an Original Notice (404a), and a Confidential Information Form (403).
- Forms 401 and 404a: Make **two** photocopies if you can deliver copies of these forms to the other parent in person or by mail. Make **three** photocopies if you are going to ask the county sheriff or a civil process server to deliver these forms to the other parent.

Note about making photocopies: You should make your photocopies before you go to the courthouse to file your papers. It is expensive to make photocopies at the clerk of court office. It is cheaper to make the copies at a business that makes photocopies or at a public library.

- Forms 402, 403, and Motion for Exemption: You do **not** have to make photocopies of these forms.
- Take the original forms you filled in and the photocopies to the clerk of court office in your county. Tell the clerk at the counter you are filing a Petition for a custody case.

- Give the clerk at the counter these forms:
 - 401 Petition for Custody
 - 402 Coversheet for a Petition for Custody
 - 403 Confidential Information Form (*Do not make copies of this form.*)
 - 404a Original Notice
- Pay the filing fee. If you cannot afford to pay the filing fee, prepare and file form 409.
- The clerk at the counter can tell you the amount of the filing fee. The Iowa legislature sets these fees and periodically raises them, so check with the clerk's office to confirm the current filing fee.
- The clerk of court will sign the Original Notice (404a). You will have to serve this form on (deliver it to) the other parent.
- The clerk at the counter will time-stamp each of the copies (original and photocopies).

Do not file these instructions