

Guide to Representing Yourself in an Iowa Divorce Case with no Minor or Dependent Adult Children

©2022 Iowa Judicial Branch

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

Table of Contents	Page
I. General information	2
A. Terminology	2
B. Who should use this guide	2
C. Who should not use this guide.....	2
D. Before you start	3
E. Court forms	3
F. Special requests	3
G. Fees	3
H. Register for electronic filing	4
I. Service of court papers	4
J. Reference materials	4
II. Petitioner instructions—To begin a divorce with no minor or dependent adult children	5
A. Fill in and sign your forms	5
B. File the case.....	5
C. Serve the forms on your spouse	6
III. Respondent instructions—If your spouse has filed for divorce and you have received the divorce papers	9
A. Carefully read all papers served on you.....	9
B. Fill in and sign your forms	9
C. Register for electronic filing	10
D. Filing court papers.....	10
E. Serve your spouse (only if your spouse is excused from electronic filing requirements)	11
IV. What to do next	12
A. Other steps before a divorce is finalized.....	12
B. What one or both spouses should do during the waiting period	13
V. How to get a Decree of Dissolution of Marriage	14
A. Settlement agreement	14
B. Trial (sometimes called “hearing”).....	14
C. Default Decree	15
VI. After the judge files the Decree	17
A. One party must complete a “Report of Dissolution of Marriage or Annulment” form	17
B. Things you may want to do	17

I. General information

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

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

A. Terminology

- “Dependent adult children” includes persons age 18 or older who because of a physical or mental condition are unable to fully protect their interests or who require assistance in meeting their essential needs.
- “Dissolution of marriage” means the same thing as “divorce.”
- “Divorce Decree” or “Decree” means a “Decree of Dissolution of Marriage.” You are not divorced until a judge approves and files a Decree.
- “EDMS” is Iowa’s electronic document and case management system.
- “eFile System” is a part of EDMS; you will use it to file and review your documents.
- The “Iowa Rules of Electronic Procedure,” in [chapter 16](#) of the Iowa Court Rules, govern the electronic filing of documents in the Iowa court system.
- “Legal advice” means strategy that is specific to your case. Only attorneys can provide legal advice. Court staff cannot provide legal advice. Court staff can provide legal “information” on where to find forms, instructions, and other general topics about the courts.
- “Minor child” in Iowa means a person under the age of 18 years.
- “Party” or “parties” is another way to refer to Petitioner and Respondent in the case.
- “Petitioner” is the spouse who files the Petition to start a divorce case.
- “Respondent” is the other spouse who receives the Petition. These titles do not change.

B. Who should use this guide

This guide is for self-represented litigants in a divorce case who do not have minor or dependent adult children. A self-represented (also called pro se) litigant is someone who has not hired an attorney for representation *for all parts* of the divorce process.

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

- Iowa Legal Aid provides free legal advice or representation for people who meet certain income and other qualifications.
- Some attorneys provide help for free (pro bono) or less than their normal rate (low bono).
- Some attorneys provide help with part, but not all, of a legal matter, which may be called “unbundled” or “limited scope” services or representation.

C. Who should not use this guide

- If you have minor or dependent children, use the [Guide for Representing Yourself in an Iowa Divorce with Children](#).
- If you have or will have an attorney represent you for all of your case, do not use this guide.
- If you use the [Iowa Interactive Court Forms guided interviews](#) to create your divorce forms, use the instructions provided when you finish the free, easy-to-use interviews.

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

D. Before you start

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

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

E. Court forms

If you represent yourself, you must use the approved court forms from Chapter 17 of the Iowa Court Rules. The forms for divorce without children are in rule 17.100.

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

- PDF forms to fill in online or print out: [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/court-forms).
- Guided interviews that complete the forms for you based on answers you give to specific questions. [Iowa Interactive Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/interactive-court-forms). *If you use the online guided interviews, you do not need this guide.*

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

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

F. Special requests

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

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

G. Fees

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

If you believe you cannot afford the filing fee, the court might allow you to postpone your fee payment. To ask the court to postpone (defer) payment of the filing fee, fill in and file an [Application and Affidavit to Defer Payment of Costs fee 09](https://www.iowacourts.gov/application-and-affidavit-to-defer-payment-of-costs-fee-09).

H. Register for electronic filing

All documents in the Iowa court system are filed electronically. You must be registered on the [eFile system](#) to submit documents to the court unless the court excuses you from electronic filing requirements. Select Registered Filer for your role. Instructions are at [eFile Instructions | Iowa Judicial Branch \(iowacourts.gov\)](#)

If you are unable to receive and read new electronic filings promptly

If you do not have a computer or internet access at home, you may apply to the court to be excused from electronic filing requirements. If excused, you will file your papers at the clerk of court office.

To be excused from filing electronically:

- You must apply to the court for an exception from electronic filing requirements.
- You must have a good reason to be excused.
- The court must grant you permission to be excused.

I. Service of court papers

When you file documents, you must serve a copy of the documents on your spouse or your spouse's attorney.

- If a party is registered for electronic filing, the eFile system provides electronic service. It notifies the party of new filings by a notice of electronic filing posted on the Notifications page of the eFile accounts.
- If one party is excused from filing electronically (not registered), the other party must serve a paper copy of the document.

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

J. Reference materials

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

Description	Link
Divorce overview	Divorce Iowa Judicial Branch (iowacourts.gov)
Rules governing electronic filing	Chapter 16 of the Iowa Court Rules
Rules on protecting private or personal information	Division VI of chapter 16 of the Iowa Court Rules and Protecting Personal Information Iowa Judicial Branch (iowacourts.gov)
Divorce laws in Iowa	Chapter 598 of the Iowa Code, at libraries or on the Iowa Legislature's website at https://www.legis.iowa.gov/law/statutory .
Free court-approved forms	Chapter 17, rule 17.100 of the Iowa Court Rules or Court Forms Iowa Judicial Branch (iowacourts.gov)
Filing instructions	eFile Instructions Iowa Judicial Branch (iowacourts.gov)
Tips for representing yourself	Representing Yourself – Overview Iowa Judicial Branch (iowacourts.gov)

II. Petitioner instructions—To begin a divorce with no minor or dependent adult children

A. Fill in and sign your forms

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

- PDF forms to fill in online or print out: [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/court-forms).
- Guided interviews that complete the forms for you based on answers you give to specific questions. [Iowa Interactive Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/interactive-court-forms). *If you use the online guided interviews, you do not need this guide.*

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

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

Official form name	Short name	Use this form
17.100—Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children	Petition (form 101)	Required
17.100—Form 104: Original Notice for Personal Service	Original Notice (form 104)	Required
17.100—Form 109: Application and Affidavit to Defer Payment of Costs	Application to Defer Costs (form 109)	Optional. Use if you cannot afford to pay the court filing fees <i>when filing the Petition.</i>
17.100—Form 111: Protected Information Disclosure		Required

B. File the case

To begin your case, you must file it with the Iowa court system.

1. File the Petition (form 101).
2. File the Original Notice (form 104).
3. File the Protected Information Disclosure (form 111).

Filing electronically

For detailed instructions, see the Iowa Judicial Branch website at [Filing a New Case \(iowacourts.gov\)](https://www.iowacourts.gov/filing-a-new-case).

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

[filings, cases, and notifications \(iowacourts.gov\)](http://iowacourts.gov).

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

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

If you are excused:

1. Print two copies of the Petition (form 101), Original Notice (form 104), and the Protected Information Disclosure (form 111).
2. Take the originals and copies to the clerk of court office in your county. Tell the clerk at the counter you are filing a Petition for a divorce.
3. Give the clerk at the counter the original forms and the copies.
4. Either pay the filing fee or file the Application to Defer Costs (form 109) to request deferring payment of the fee until later.
5. The clerk of court will time-stamp each document to show when the court received it.

C. Serve the forms on your spouse

Before your case can proceed, you must serve the filed documents on your spouse, including:

1. The Original Notice (form 104).
2. A copy of the Petition (form 101).
3. The Protected Information Disclosure (form 111).
4. Any other forms or documents you filed.

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

Official form name	Short name	Use this form
17.100—Form 107: Motion and Affidavit to Serve by Publication		Use if you cannot find your spouse to serve a copy of the Petition and Original Notice by mail or in person.
17.100—Form 108: Original Notice by Publication		Use if you cannot find your spouse to serve a copy of the Petition and Original Notice and a judge has signed an order allowing you to publish the notice in a newspaper.
17.100—Form 110: Affidavit of Service of Original Notice and Petition for Dissolution of Marriage	Affidavit of Service (form 110)	Use if someone other than you, a sheriff, or process server delivers a copy of the Petition and Original Notice to your spouse.
17.100—Form 125: Affidavit of Mailing Notice		Use if you served notice by publication in a newspaper.

Service if you know where your spouse is

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

- Option 1: Service by you personally delivering the papers to your spouse.
- Option 2: Service by sheriff or process server. If you applied for and the court granted an Application

- to Defer Costs (form 109), you must use the county sheriff to deliver the forms to your spouse.
- Option 3: Service by someone else delivering the papers to your spouse.

Option 1: Service by personal delivery

You can hand the forms to your spouse in person or send the forms to your spouse by regular mail. Use personal service only if your spouse is willing to sign an Acceptance of Service (form 105).

1. Complete the top part of the Acceptance of Service (form 105).
2. When you give your spouse the Petition, have your spouse complete and sign the bottom part of the Acceptance of Service and give it back to you.
3. File the signed Acceptance of Service.
 - a. See step 1(b) “For an existing lawsuit” under “File the Documents” at [eFile Instructions | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/eFileInstructions).
 - b. If you are excused from filing electronically, make a copy of the form for your records and take the acceptance of service that your spouse signed to the clerk of court for filing.

Option 2: Service by a sheriff or process server

You can ask the county sheriff or a process server to serve the forms on your spouse. Use this method if you do not want to deliver the documents yourself or if the court approved an Application to Defer Costs (form 109).

Complete the Directions for Service of Original Notice (form 106). Give the county sheriff or process server two copies of the following forms:

- Original Notice (form 104)
- Petition (form 101)
- Directions for Service (form 106)
- Protected Information Disclosure (form 111)

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

Option 3: Service by someone else

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

1. The person performing service must fill out an Affidavit of Service (form 110).
2. Either you or that person must file the affidavit soon after the papers are delivered to your spouse.

Service if you do not know where your spouse is

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

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

1. Contacting your spouse’s parents, brothers, sisters, friends, former employer, or people your spouse worked with.

2. Checking local or area phone books or phone books where you think your spouse might be living.
3. Searching for your spouse using the internet or social media. (If you do not know how to do this, go to your local library and ask a librarian for help.)
4. Asking an attorney to help you.

If you still cannot find your spouse:

1. Mail a copy of the Original Notice (form 104), the Petition (form 101), and the Protected Information Disclosure (form 111) to your spouse's last known address.
2. File a Motion and Affidavit to Serve by Publication (form 107). See [Filing in an Existing Case](#) for instructions.

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

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

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

1. Print and mail a copy of the Motion and Affidavit to your spouse's last known address.
2. Fill out an Original Notice by Publication (form 108) and take it to a newspaper of general circulation published in the county where the Petition was filed.

Important: You must closely follow the instructions for form 108.

3. After you take the Original Notice by publication to the newspaper, promptly mail a copy of the Notice, Petition, and Protected Information Disclosure to your spouse's last known mailing address.
4. File an Affidavit of Mailing Notice (form 125).

Your spouse must file an Answer.

Continued on next page

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

If you received a divorce petition (and there are no children involved in your divorce), you are the Respondent.

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

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

- The date the county sheriff or process server served you with an original notice and a copy of the Petition (form 101).
- The date your spouse filed the Acceptance of Service (form 105) with the clerk of court.
- The date an affidavit of service was filed with the clerk of court.

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

Whether or not your spouse is represented by an attorney, you may still want to talk to or hire an attorney to help you with the divorce process. An attorney can only help one party in a divorce case.

A. Carefully read all papers served on you.

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

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

- The date for a court hearing.
- Required information you must provide to your spouse and the court and deadlines to provide the information.
- Attend mediation.

B. Fill in and sign your forms

You can get the forms you need from the following sources:

- [Iowa Interactive Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov). *If you use the interactive court forms to create your forms for you, you do not need this guide.*
- The Iowa Judicial Branch website at [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov).
- Chapter 17 of the Iowa Court Rules. The free forms for divorce without children are in rule 17.100.

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

Note: *If you want spousal support (alimony), a share of your spouse's pension, or other property, you must ask for it. You cannot get it after a judge files your Decree.*

If you are a Respondent without an attorney, you must file either form 115 or 116 to answer the Petition.

Official form name	Short name	Use this form
17.100—Form 111: Protected Information Disclosure		Required.
17.100—Form 115: Answer to Petition for Dissolution of Marriage with no Minor or Dependent Adult Children	Answer (form 115)	Required if the top of the Petition reads “Rule 17.100—Form 101: Petition for Dissolution of Marriage with no Minor or Dependent Adult Children.”
17.100—Form 116: General Answer to a Petition	Answer (form 116)	Required if Petitioner used a different petition (not the Rule 17.100—Form 101 Petition).
17.100—Form 122: Motion	Motion (form 122)	Optional. If you or your spouse need something that requires an order or approval from the court, you may file a Motion to ask the court for what you want.

1. Fill out the Answer (form 115 or 116), the Protected Information Disclosure, and any other forms you need.
2. Sign the forms.
3. Scan each form separately and save it as a PDF.
4. Register for electronic filing.

C. Register for electronic filing

You must register on the [eFile system](#). Select Registered Filer for your role.

Registration and all other eFile instructions are at [eFile Instructions | Iowa Judicial Branch \(iowacourts.gov\)](#)

If you are unable to receive and read new electronic filings promptly

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

To be excused from filing electronically:

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

D. Filing court papers

Filing electronically

After you have registered for electronic filing:

1. Log in to the eFile system at <https://www.iowacourts.state.ia.us/Efile/>.
2. File your documents in the case. For instructions, see [Filing in an Existing Case \(iowacourts.gov\)](#).

3. When your document is approved, a notice of electronic filing is posted on the Notifications page of both your and your spouse's eFile system accounts
 - o If your filing was returned with errors, correct the errors and resubmit your form. Instructions are at [Resubmitting a Returned Filing \(iowacourts.gov\)](http://iowacourts.gov).
 - o Instructions for finding and downloading your approved filings are at [Managing Filings, Cases, and Notifications \(iowacourts.gov\)](http://iowacourts.gov).

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

Filing if you are excused from electronic filing requirements

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

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

E. Serve your spouse (only if your spouse is excused from electronic filing requirements)

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

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

Continued on the next page

IV. What to do next

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

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

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

- When the Petition and Original Notice are served on Respondent by a sheriff or civil process server.
- When Petitioner files the acceptance of service (form 105).
- If Petitioner serves notice by publication in a newspaper, when the final (third) publication is made.
- After court-ordered counseling is completed (if so ordered).

In a case of emergency or necessity, the court could shorten the 90-day waiting period. Judges require a very good reason for shortening the waiting period. To apply, file a Motion (form 122) explaining to the court why you think the waiting period should be shortened in your case. For more information, see [Iowa Code section 598.19](#).

A. Other steps before a divorce is finalized

- There are many things that parties must do to finalize a dissolution. These things should be done early in the divorce process so that the court can issue a Decree upon conclusion of the waiting period or before a hearing or trial date is set. Each spouse must file a Financial Affidavit for a Dissolution of Marriage with no Minor or Dependent Adult Children (form 124). This gives the court information about their property, debts, and income levels. You will not get a Decree until both spouses complete the Financial Affidavit.

Note: *If you and your spouse do not have assets or debts to split, you both can apply to waive this requirement. File a Motion (form 122) and check box 1(A)(7) "Other request." Explain why this requirement should be waived.*

Continued on next page

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

- If you and your spouse agree on how to divide your property, assets, and debts, complete and file a Settlement Agreement for a Dissolution of Marriage (form 128). Work together to fill out the Settlement Agreement.
- If you are changing the title to any real estate as part of your divorce, you may want to contact an attorney to get advice.
- If you or your spouse need something that requires a temporary order from the court, you may file a Motion (form 122) to ask the court for what you want.
 - If you want counseling (also called conciliation), spousal support (alimony), a share of your spouse's pension, or other property, you must ask for it. *You must ask for these things before a judge files your Decree.*
- If your spouse files a Motion and you disagree with what your spouse is asking the court to do, file a Response to a Motion (form 123) to tell the court that you disagree with your spouse's Motion.
 - The court will likely file an order setting a hearing date, time, and location. Check the Notifications page of your eFile account for the time and date. If you are excused from filing electronically, the clerk's office will mail you a notice of the hearing.
 - You must go to the hearing. If you do not show up for the hearing, the court will not give you the things you request in your Motion.

Continued on next page

V. How to get a Decree of Dissolution of Marriage

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

There are three ways to get a Decree:

- A. Settlement Agreement:** If you and your spouse agree on how to divide your property and debts and file a Settlement Agreement (form 128) together.
- B. Trial:** If you and your spouse do not agree on how to settle your divorce, and the court decides your issues for you at a hearing or during a trial.
- C. Default Decree:** If Respondent did not file an Answer by the deadline or either party stops participating in the divorce proceedings, the court may enter a Default Decree in favor of the other party.

A. Settlement agreement

Official form name	Short name	Use this form
17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children	Settlement Agreement (form 128)	Required if you and your spouse agree on the terms of your divorce.

If you and your spouse agree on how to divide your property and debts, you should work together to prepare and file a Settlement Agreement (form 128). This is the most efficient way to finalize your divorce.

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

If you have a hearing

Bring copies of all your filings, including:

- The Financial Affidavit (form 124).
- The Settlement Agreement (form 128) signed by you and your spouse.
- If filed, the Motion (form 122) to shorten the 90-day waiting period.

B. Trial (sometimes called “hearing”)

Note: *Divorce trials are in front of a judge, not a jury.*

Official form name	Short name	Use this form
17.100—Form 127: Request for Relief in a Dissolution of Marriage with no Minor or Dependent Adult Children	Request for Relief (form 127)	Required if you and your spouse cannot agree on the terms of your divorce.

If you and your spouse do not agree on the terms of your divorce or how to settle your divorce, you should file a Request for Relief (form 127).

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

When you appear before a judge at the trial

Bring paper copies of:

- Your Financial Affidavit (form 124). Each spouse should have completed a Financial Affidavit before the trial.
- Any other documents and forms you and your spouse filed with the clerk of court.
- Your Request for Relief (form 127). Each spouse should have completed a request for relief before the trial.

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

C. Default Decree

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

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

- The date the county sheriff or process server served the Original Notice (form 104) and a copy of the Petition (form 101).
- The date Petitioner filed the Acceptance of Service (form 105) with the clerk of court.
- The date the Affidavit of Service of Original Notice and Petition for Dissolution of Marriage (form 110) was filed with the clerk of court.

Instructions for seeking a Decree by Default

Official form name	Short name	Use this form
17.100—Form 122: Motion		Required if you need the court to do something.
17.100—Form 126: Notice of Intent to File Written Application for Default Decree	Notice of Intent to File for Default Decree (form 126)	Required if the other party is not participating in the divorce case.

1. Complete the forms
 - a. Prepare a Notice of Intent to File for Default Decree (form 126).
 - b. Prepare a Motion (form 122) to set a hearing date.
 - i. Check box 1(A)(3) “Set a hearing date for a divorce Decree by default.”
 - ii. If you want to request a shorter waiting period because of an emergency or

necessity, check 1(A)(6) “Shorten the 90-day waiting period for getting a divorce Decree” and explain the reasons for this request in section 1(B).

- c. Fill out a Request for Relief in a Dissolution of Marriage with no Minor of Dependent Adult Children (form 127).
2. File the Notice of Intent to File for Default Decree (form 126). If the notice of electronic filing indicates that the other party was not served electronically, mail a certified copy of form 126 to the party’s last known mailing address.
3. Wait ten days from the date of service plus three more days for mailing (13 days total). Keep a copy of the post office return receipt showing delivery or failure of delivery.
4. If the party does not respond within 13 days, file and serve the Motion (form 122), Request for Relief (form 127), and post office return receipt.
5. The court will set a hearing. Check the Notifications page of your eFile account for the time and date of the hearing.

When the hearing is set

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

At the hearing

- Respectfully ask the court to decide that your spouse is “in default” and that the court should enter a Default Decree in your favor.

After the hearing

If the judge determines your case is ready to be finalized, the judge will file the Decree.

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

Continued on next page

VI. After the judge files the Decree

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

After the judge has filed the Decree, one party to the divorce must complete a “Report of Dissolution of Marriage or Annulment Form” from the Iowa Department of Public Health.

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

B. Things you may want to do

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

[End]