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## THE FIFTH JUDICIAL DISTRICT OF IOWA

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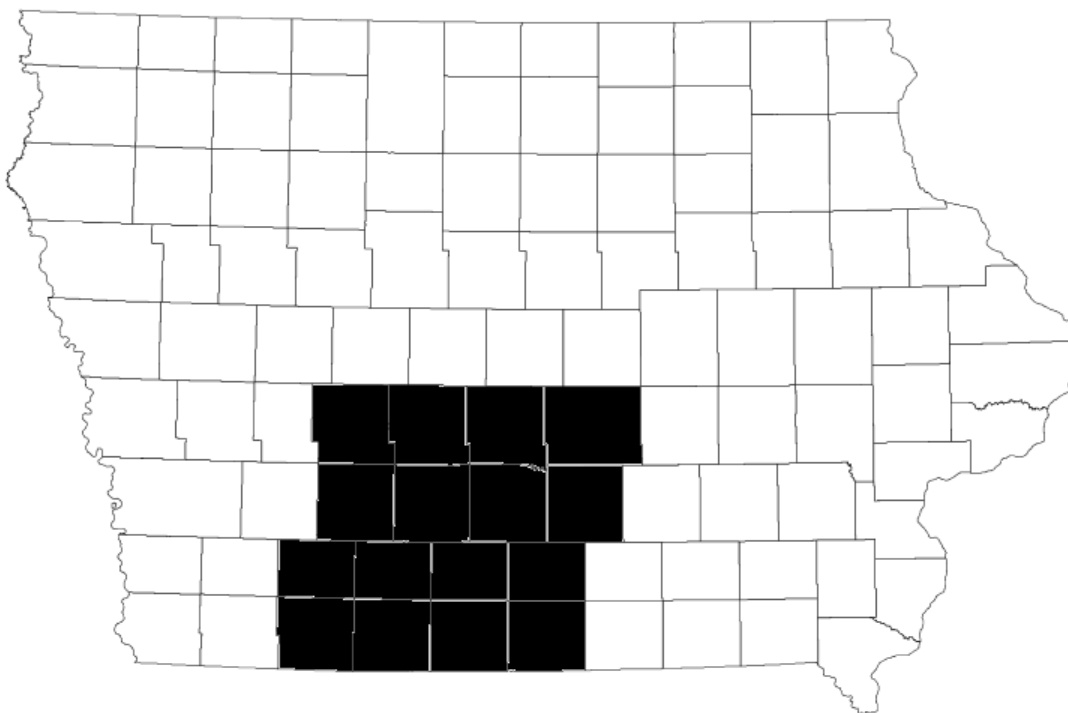
LUCAS | MADISON | MARION | POLK | RINGGOLD | TAYLOR

UNION | WARREN | WAYNE

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### INFORMAL FAMILY LAW TRIAL PROGRAM

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District Court Administration  
Polk County Courthouse  
500 Mulberry St.  
Des Moines, IA 50309  
(515) 286-3198

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## **THE BASICS**

Two different types of trials are available in the Fifth Judicial District of Iowa for resolving family law cases. Family law cases include:

- Dissolution of Marriage (Divorce)
- Legal Separation
- Paternity (Unmarried Parent)
- Modifications of child custody, visitation, and child support.

The two types of trials are called a traditional trial and an informal family law trial (IFLT). If both parties to a family law case are self-represented, they will automatically be scheduled for an Informal Family Law Trial. This is an opt-out type of trial for those parties. If a party does not want an Informal Family Law Trial, he or she will have to file a motion showing good cause and a judge will have the discretion to rule on the motion.

## **HOW AN INFORMAL FAMILY LAW TRIAL WORKS:**

- 1) The person that started the case will speak first. He or she swears to tell the truth and may speak about anything he or she wishes related to the issues in the case.
- 2) He or she is not questioned by the other person. Instead, the judge will ask some questions in order to make a better decision.
- 3) This process is repeated for the other person.
- 4) If there are any experts, the expert's report may be given to the judge. Either person may also ask to have the expert testify and be questioned by the judge or the other person.
- 5) Each person may submit documents and other evidence that they want the judge to see. The judge will look at each document and decide whether it is trustworthy and should be considered.
- 6) Each person may briefly respond to comments made by the other person.
- 7) Each person may make a short legal argument about how the laws apply to their case.
- 8) Once all the above steps are complete, the judge states their decision. In some cases, the judge may give the ruling at a later date.
- 9) Any of the above steps may be modified by the judge in order to make sure the trial is fair for both people.

**DIFFERENCES AT-A-GLANCE:**

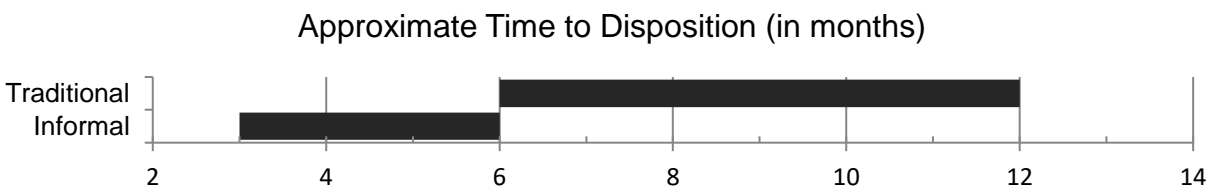
INFORMAL TRIAL		TRADITIONAL TRIAL
X	Judge asks questions directly of parties; besides the parties only expert witnesses (doctor, counselor) are generally allowed.	
	Lawyers/Self-Represented Parties ask questions of parties/witnesses in common direct examination/cross examination format.	X
	Rules of Evidence are followed; a party can object to testimony and exhibits.	X
X	Parties can submit any document or testimony for the judge to review without objection by the opposing party.	
	Lawyers are allowed to question witnesses and object to certain testimony and proposed exhibits.	X
X	Before the trial starts, each person must give the judge and the other person a copy of all documents and other evidence you plan to submit.	X
X	Financial affidavits must be filed by each party.	X
X	Proposed Parenting Plans must be filed by each party (in cases with children).	X
X	Children in the Middle must be completed by each party (in cases with children).	X
X	Mediation/Settlement Conference is typically required.	X

The Iowa Judicial Branch has provided several helpful guides and forms for self-represented parties on its website at [www.iowacourts.gov](http://www.iowacourts.gov). These forms include:

- Form 124 Financial Affidavit for Dissolution without Children
- Form 128 Settlement Agreement for Dissolution without Children
- Form 224 Financial Affidavit for Dissolution with Children
- Form 228 Settlement Agreement for Dissolution with Children
- Form 229 Agreed Parenting Plan
- Form 230 Proposed Parenting Plan
- Form 324 Child Support Modification Financial Statement
- Form 328 Settlement Agreement for Modification of Child Support

## BENEFITS OF AN INFORMAL FAMILY LAW TRIAL:

- 1) Fewer rules apply, so an IFLT is more flexible. IFLTs may be easier for people who are representing themselves. The judge is more involved in asking questions and guiding the process. The judge may be able to reduce conflict between the two sides and help them focus on the children or other issues.
- 2) You can speak directly to the judge about your situation without interruption or objections from the other person. The other person is not allowed to ask you questions.
- 3) You do not have to worry about formal rules that limit what you can say in court. You can:
  - Speak freely about conversations between you and other people who are not in court;
  - Talk to the judge about what your children have said about custody and parenting time; and
  - Tell the judge whatever you think is important before he or she makes a decision about your case.
- 4) You can give any documents you think are important to the judge.
- 5) Informal Family Law Trials may be shorter. You may have to take less time off from work.
- 6) Your case is relatively simple. You are comfortable explaining your circumstances and the facts to the judge.



## TRADITIONAL TRIAL:

- 1) Rules and formal procedures are in place to protect each person's rights. The rules of evidence apply. You may feel more comfortable with this structure.
- 2) You like the fact that the rules of evidence will limit what people can say and the information that can be given to the judge in writing.
- 3) The question and answer format will be more effective in getting out the information about your case. It may be important to be able to ask the other person follow-up questions.
- 4) You may bring any witnesses you think are important to court.
- 5) Generally, written statements from family members, teachers, and friends will not be considered by the judge. People with something to say about your situation or the other person's situation will need to come to court.
- 6) Your case is complicated. You and the other person own a business or have lots of stocks, property, and retirement funds to divide.