

IN THE IOWA DISTRICT COURT FOR LINN COUNTY

UPON THE PETITION OF

Petitioner,

CASE NO.

AND CONCERNING

**FAMILY LAW CASE
REQUIREMENTS ORDER
(without minor children)**

Respondent.

Dated: 09/19/2023

This Order tells each person in this case what must be done to get final orders from the Court. These requirements apply to both parties, whether you hire a lawyer or not. If you are representing yourself, you can get guidance and the forms you need to obtain a divorce by going to <http://www.iowacourts.gov> and clicking on the tab "How Do I . . ." at the top left and then clicking on "Represent Myself in Court." In general, you are both required to:

1. Complete a Mediation Education Class within 45 days from the date the case is filed;
2. Give certain financial information to your lawyer, if you have one, and to the other person or their lawyer not more than 60 days from the date the case is filed;
3. Attend together a mediation session with a mediator within 120 days after service of the original notice and petition.
4. Participate with the other party and the other party's attorney to complete the Pretrial Report and Stipulation of Assets and Liabilities within 120 days after service of the original notice and petition; and
5. Participate in a trial setting conference if you have not settled your case after 150 days from the date of filing and you want the case set for trial.

These requirements are designed to encourage you and the other person in the case to exchange information and to discuss possible settlement of your case before going to trial before a judge.

IT IS THEREFORE ORDERED AS FOLLOWS:

I. Mediation Education Class Requirement. You must complete this class within 45 days of the date you filed the case or were notified that a case has been filed. If you do not attend this class by the deadline, this may 1) delay the entry of final orders in your case until you have completed the class; 2) hurt your chances of getting what you want if there is a hearing or trial; and/or 3) possibly result in a fine payable to the court or the other person.

You are responsible for the class fee and for making arrangements to attend the class by calling and registering with an approved agency presenting the class. There is a sheet with this order which provides you with the names of class providers and class schedules. **The mediation education class may also be taken online at <http://www.mediateiowa.org>**

II. Financial Information Exchange. Not more than 60 days from the date the case was filed, you shall give your lawyer, if you have one, and to the other person or his/her lawyer the following information:

1. Paystubs or other documentation showing income from all sources, including all deductions for federal and state taxes, health insurance premiums, union dues, mandatory pension withholdings for the past six (6) months;
2. Federal and State income tax returns, including all schedules and W-2's for the last five (5) years;
3. The legal description and all appraisal and/or market analyses for all real estate owned jointly and separately;
4. Current value statements on all investments, including but not necessarily limited to stocks, bonds, mutual funds, life insurance policies, bank accounts held jointly or individually;
5. Copies of IRA accounts, retirement plans, 401k's, deferred compensation, savings plans and any other similar plan documents;
6. Current statements or other documentation of all indebtedness incurred individually or jointly;
7. Any documentation establishing a claim that assets or debts are gifted or inherited property or are premarital property;
8. Any prenuptial agreements between the parties;
9. Documentation on the value of any other assets or the amounts of any other indebtedness not specifically requested above, whether individually or jointly owned or owed.
10. An affidavit of financial status.

If you are involved in a modification case or an unmarried custody case, you only have to provide the information contained in numbers 1, 2, and 10. If you are involved in a dissolution of marriage proceeding, you must provide all the information listed. If you do not provide this information on time, you may not be able to dispute any financial information presented by the other person in the case. You could also be fined by the court. Under the Iowa Rules of Civil Procedure, you and the other person have the right to request additional information from each other if you wish to do so.

III. Mediation Requirement. In agreement with Iowa Code Section 598.7, both you and the other person must participate in a mediation session with a mediator within 120 days after service of the original notice and petition or by . You and the other person may, and are encouraged to, choose

your own mediator. If you cannot agree on a mediator before any required mediation session, your default mediator shall be (). For a complete list of the court's roster of mediators from which you can choose, go to the website <http://www.mediateiowa.org>.

Each of you shall individually call the mediator you have chosen together or the default mediator, if you do not agree, to make a joint appointment. You both shall directly call the mediator of your choice or the default mediator to make an appointment before the date listed above. The mediator will help you discuss your concerns and possible settlement options in your case, but the mediator will NOT give you legal advice or make any decisions for you. One mediation session is required, but you may find that attending additional sessions will help you resolve your case.

Mediation may not be appropriate when there has been physical or emotional abuse. If mediation is not appropriate, you can request a waiver or excuse from the Court. Please discuss any concerns about this with your attorney or with your mediator. No Contact Orders can be changed to permit attending mediation, if mediation is appropriate. An application for waiver of mediation can be obtained from the Clerk of Court.

You must attend an initial mediation session by the above date set by the Court, unless you ask the Court in writing to reset the date. You are free to continue mediation after the initial session. You are not legally bound by any agreements made in mediation until the agreements are put into writing, reviewed by your attorneys, if you have them, signed by both parties, and then approved by the Court. Written agreements should be signed outside of mediation, unless both parties are represented by attorneys and the attorneys are present during the mediation. The Court has the final authority to approve or not approve all or any part of a settlement. Any agreement, either full or partial, reached at mediation must be submitted to the Court for review and approval no later than 30 days following the conclusion of mediation, or 48 hours prior to any scheduled proceeding to which the agreement relates, whichever date is earlier.

The cost of the mediation is to be divided between you and the other person in the case, but if you believe you cannot afford to pay a mediator, you can ask the Court to allow you to pay on a reduced fee basis by filing an Application for Appointment of Reduced-Fee Mediator. This form is available at the Clerk of Court's office. Useful information about mediation and mediators, including fee information, can be obtained from the website <http://www.mediateiowa.org> or by calling Mediation Services of Eastern Iowa at 319-541-9434.

Failure to attend mediation by the date set by the Court could result in a delay in having your case set for hearing or trial. It could also cause you to be fined by the Court.

IV. Pretrial Report and Stipulation of Assets and Liabilities

The parties and counsel if any, shall jointly complete and sign the attached, "Pretrial Report and Stipulation of Assets and Liabilities." In this form, the parties will list and value all of their assets and liabilities and they will identify the issues they have agreed upon and the issues still in dispute. They will also estimate the time they will need for trial. The parties shall file their completed Pretrial Report and Stipulation of Assets and Liabilities with the Clerk of Court. **Exception: Parties involved in a modification case or an unmarried custody case do not need to complete the Stipulation of Assets and Liabilities portion of the Pretrial Report.**

The parties must complete all the requirements specified in Sections I, II, III, and IV of this order before a trial date will be scheduled.

- A. Whether you have attended the mediation education class;
- B. Whether you have provided each other with the required financial information;
- C. Whether you have attended a mediation session with a mediator;
- D. Whether you have filed a Pretrial Report and Stipulation of Assets and Liabilities with the Clerk of Court.
- E. Whether there are any issues that have been agreed upon and which issues you and the other person do not agree upon;
- F. The true estimate of time you believe you need for trial.

If you have done what you have been ordered to do, a trial date for your case will be assigned.

If you have not met the requirements of this Order, you will be referred to a District Court Judge for a Compliance Hearing to discover why you have not met these requirements. Any individual who does not meet the requirements may be penalized and/or fined by the Court.

If you believe you cannot fulfill any of the requirements listed in this order, you must seek a waiver of the requirements by written application to a District Court Judge. The requirements are waived only after the judge has signed an order waiving them.

UPON THE PETITION OF
Petitioner,

CASE NO.

AND CONCERNING

PRETRIAL REPORT &
STIPULATION OF ASSETS & LIABILITIES

Respondent.

DATE _____

II. PRETRIAL REPORT AND STIPULATION OF ASSETS AND LIABILITIES

A. Parties agree to exchange the following documents:

1. Petitioner will provide to the Respondent within ____ days:

2. Respondent will provide to the Petitioner within ____ days:

B. The parties identify the following issues that remain in dispute:

1. ____ Alimony/Spousal Support
2. ____ Property
3. ____ Debt
4. ____ Retirement and/or 401K
5. ____ Health insurance/uninsured expenses
6. ____ Attorney Fees/Costs
7. ____ Other: _____

C. The parties identify the following issues that have been resolved:

1. Alimony/Spousal Support:

2. Property:

3. Debt:

4. Retirement and/or 401K:

5. Health insurance/uninsured expenses:

6..Attorney Fees/Costs:

7. Other:

D. Estimated time for trial:_____

STIPULATION OF ASSETS AND LIABILITIES.

[illegible]

