

Decree for a Dissolution of Marriage with Children

In the Iowa District Court for _____ County
County where the case is filed

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Full name: first, middle, last</i></p>	<p>Equity case no. _____</p> <p style="text-align: center;">Decree for a Dissolution of Marriage with Children</p>
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1. Appearances and Manner of Resolution

On the _____ day of _____, 20____, this matter was before the court for final action on the Petition for Dissolution of Marriage.

A. Petitioner *Check all that apply*

- (1) Appeared personally
- (2) Appeared by attorney _____.
- (3) Did not appear
- (4) Is found to be in default after proper notice

B. Respondent *Check all that apply*

- (1) Appeared personally
- (2) Appeared by attorney _____.
- (3) Did not appear
- (4) Is found to be in default after proper notice

C. The case was resolved by *Check one*

- (1) Default, or
- (2) Agreement, or
- (3) Contested hearing

2. Findings of Fact

A. Petitioner's personal information

<i>Petitioner's name</i>	<i>Birth year</i>
<i>Petitioner's present street address</i>	<i>City</i>
<i>County</i>	<i>State</i>
<i>()</i>	<i>ZIP code</i>
<i>Phone number</i>	<i>Email address</i>

B. Respondent's personal information

<i>Respondent's name</i>	<i>Birth year</i>
<i>Respondent's present street address</i>	<i>City</i>
<i>County</i>	<i>State</i>
<i>()</i>	<i>ZIP code</i>
<i>Phone number</i>	<i>Email address</i>

C. Date and location of the marriage

<i>Month</i>	<i>Day</i>	<i>Year</i>	<i>City</i>	<i>State</i>
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D. Respondent has been properly served with notice.

E. Respondent is not in the military service, prison, or jail.

F. Children *Check all that apply*

- (1) There are children under age 18 who are children of both Petitioner and Respondent.
- (2) There are children under age 18 who were adopted or born during this marriage.
- (3) There are children between the age of 18 and 19 who are eligible for child support.
- (4) There are children between the age of 18 and 23 who may be eligible for post-secondary education support.
- (5) There are dependent adult children who are eligible for support:

First, middle, & last initials of each child	Birth year
(1)	
(2)	
(3)	

First, middle, & last initials of each child	Birth year
(4)	
(5)	
(6)	

(6) Petitioner or Respondent is pregnant

G. Petitioner is not living in Iowa just to get a divorce.

H. Petitioner has lived in Iowa for the last _____ years and _____ months
in _____ county.

I. The marriage has broken down and cannot be saved. There are no other divorce cases concerning this marriage going on anywhere. The Petition was filed in good faith for the purpose of ending the marriage.

J. Counseling will not save the marriage *Check one*

- (1) Neither party requested to participate in conciliation efforts.
- (2) The parties waived conciliation.
- (3) A report is on file with the court stating that conciliation efforts were unsuccessful.

K. Waiting period before decree *Check one*

- (1) More than 90 days have passed since Respondent accepted service or was served with an Original Notice.
- (2) The court waives the statutory waiting period before Decree based on a finding that protection of the parties' substantive rights or interests requires immediate action.

L. Protective or no contact order *Check one*

- (1) There is neither a "protective order" nor a "no contact order" currently between the parties.
- (2) There is a "protective order" or a "no contact order" currently between the parties.

M. Financial affidavits *Check all that apply*

- (1) Petitioner filed a statement of net worth.
- (2) Respondent filed a statement of net worth.
- (3) The parties waive filing of financial statements and the court approves the waiver.

N. Settlement Agreement or Separate Findings *Check all that apply*

- (1) The parties entered into a Settlement Agreement settling all of the issues involved in the dissolution of marriage. The court finds that the Agreement:
 - a. Was executed voluntarily by both parties.
 - b. Is fair and equitable to both parties.
 - c. Is approved by the court and incorporated into this Decree.
- (2) The court makes separate findings because a party is in default.
- (3) The court makes separate findings because this matter is contested. The identity and value of the parties' property accumulated during their marriage is set out in Attachment "A" attached to this Decree. The attachment is made part of the Decree by this reference.

O. Other Information

3. Conclusions of Law

- A. The court has jurisdiction of the subject matter and the parties. The marriage has broken down and marriage counseling will not save it. The marriage should be ended.
- B. In order to not grant joint legal custody, the court must find by clear and convincing evidence “that joint custody is unreasonable and not in the best interests of the child to the extent that the legal relationship between the child and a parent should be severed.” The court must also consider any evidence of a history of domestic abuse.
- C. The court’s parenting decision must be based on which placement will be in the long-term best interests of the child. The critical issue in determining the best interest of the child is which parent will do better in raising the child. The court should also consider the parents’ historic patterns of care giving. The specifics of the Parenting Plan are:
 - (1) As set out in the Parenting Plan filed separately in this case; or,
 - (2) As set out in Section 4, Judgment and Decree, below.
- D. There is a rebuttable presumption that the amount of child support that would result from the application of the guidelines prescribed by the supreme court is the correct amount of child support to be awarded. That amount may be adjusted upward or downward, however, if the court finds such adjustment necessary to provide for the needs of the children and to do justice between the parties under the special circumstances.
- E. When parties accumulate marital property it must be divided if they get a divorce. There is no set percentage for a proper division. The goal is to divide the property fairly. The specifics of the division are set out in:
 - (1) The marital Settlement Agreement filed separately in this case; or,
 - (2) Attachment A attached to this Decree.
- F. The standard for awarding attorney fees is one party’s ability to pay balanced against the other party’s need.
- G. Spousal support and alimony are the same thing. One spouse may be ordered to pay support to the other as reimbursement for sacrifices made during the marriage, to help the other spouse become self-supporting, or simply to provide financial assistance. When deciding whether to award spousal support, the court considers characteristics of the marriage, including the length of the marriage, the financial status of the parties, and the entire property division.

H. Other

4. Judgment and Decree

A. The marriage of Petitioner and Respondent is dissolved (ended).

B. Property *Check all that apply*

- (1) The parties have filed a Settlement Agreement regarding division of property, which the court approves and makes a part of this Decree. The parties must carry out its terms.
- (2) The non-defaulting party has filed a Request for Relief, which the court approves and makes a part of this Decree. The parties must carry out its terms.
- (3) The property of the parties is awarded as set out in Attachment "A."

C. Children *Check all that apply*

- (1) The parties have entered a Parenting Plan regarding care of the children, which the court approves and makes a part of this Decree. The parties must carry out its terms.
- (2) Custody and primary care of the children is as follows:
 - a. The parties are granted joint legal custody.
 - b. The parties are granted joint physical custody.
 - c. Petitioner is granted sole legal custody.
 - d. Respondent is granted sole legal custody.
 - e. Petitioner is granted primary care.
 - f. Respondent is granted primary care.

Reasons for custody and primary care award

D. Visitation *Check one*

- (1) Visitation shall be as set out in the Parenting Plan filed separately in this case.
- (2) Visitation shall be as set out below.

Weekly visitation schedule:

Holiday visitation schedule:

Summer visitation schedule:

Transportation arrangements for visitation:

E. Child Support *Check all that apply*

- (1) Petitioner shall pay child support to Respondent in the amount of \$ _____ per month.
- (2) Petitioner shall pay child support to a third party in the amount of \$ _____ per month.

Third party's full name: first, middle, last

_____, _____, _____, _____
Present street address City State ZIP code

County

- (3) Respondent shall pay child support to Petitioner in the amount of \$ _____ per month.
- (4) Respondent shall pay child support to a third party in the amount of \$ _____ per month.

Third party's full name: first, middle, last

_____, _____, _____, _____
Present street address City State ZIP code

County

- (5) Child support payments shall begin on the _____ day of _____, 20____,
Month Year

for the following children:

First, middle, & last initials of each child	Birth year
a.	
b.	
c.	

First, middle, & last initials of each child	Birth year
d.	
e.	
f.	

- Check this box if a separate sheet listing additional children is attached.*

(6) The amount of child support: *Check one*

- a. Does not deviate from the Child Support Guidelines.
- b. Does deviate from the Child Support Guidelines because:

(7) Child support payments shall be made until whichever of the following comes first. The child reaches the age of 19, reaches the age of 18 and graduates from high school, marries, or dies.

(8) Unless payments are being made through income withholding, child support payments shall be paid to the:

- a. Clerk of Court in _____ County.
- b. Collection Services Center, P.O. Box 9125, Des Moines, Iowa 50306-9125.

Each payment shall identify the name of the payor (the person making the payment). If paid to the Collection Services Center (CSC), the payment shall include the CSC case number.

(9) If support payments are not paid as ordered in this Decree and become delinquent in an amount equal to the payment(s) for one month, the District Court or the Child Support Recovery Unit (CSRU) may, upon application, order an Assignment of Income sufficient to pay the support obligation. The amount of the Assignment of Income shall not exceed the amount specified in 15 U.S.C. 1673(b).

(10) Pursuant to Iowa Code section 252D.8, the income of the child support payor is immediately subject to withholding regardless of whether support payments are in arrears. A copy of this order shall be mailed by payor to payor's employer. Payor's employer is directed to withhold child support from payor's income and forward the payments to the office specified elsewhere in this order. The employer's and subsequent employers' duties shall be governed by Iowa Code section 252D.17. Until such time as the employer or other income provider withholds the required amount of support, it is the payor's responsibility to ensure payment.

(11) Each party shall file with the clerk of court or CSRU, as appropriate, upon entry of this Decree, and update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The information filed will be disclosed and used pursuant to Iowa Code section 598.22B. Each party shall file the information with the clerk of court, or, if support payments are to be directed to the collection services center as provided in section 252B.14(2) and section 252B.16, with CSRU.

(12) In any subsequent child support action the CSRU initiates or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the unit or the court shall deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the clerk or unit pursuant to the preceding paragraph.

(13) Ongoing support obligation *Check if applicable*

- The ongoing support obligation for the child or children named in this Decree shall be automatically adjusted without further order to correspond to the number of children entitled to current support as the number of children entitled to current support changes.

Based on the parties' current financial circumstances, under the current Child Support Guidelines, child support shall be automatically adjusted as follows:

_____ children \$ _____ per month
 _____ children \$ _____ per month
 _____ children \$ _____ per month
 _____ children \$ _____ per month
 _____ children \$ _____ per month
 _____ children \$ _____ per month

F. Tax deduction

(1) The tax deduction shall be set as follows:

Check one for each child

First, middle, & last initials of each child	Birth year	Parent who claims child for tax deduction	Every Year	Even Years	Odd Years
a.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Check this box if a separate sheet listing additional children is attached.*

(2) The deduction will start in tax year _____.

(3) Each party shall timely execute all forms needed to put the tax deduction award into effect.

G. Health care expenses *Check all that apply*

Petitioner Respondent

- (1) will provide medical support (health insurance) and take all necessary actions to ensure health insurance coverage of the minor children pursuant to Iowa Code chapter 252E by obtaining an employment-related group health benefit plan for the minor children.

(2) will pay the first \$_____ of uncovered medical expenses for the children. After that amount is spent, then uncovered medical expenses shall be paid

_____ % by Petitioner and _____ % by Respondent.

(3) shall pay cash medical support in the amount of \$_____ per month.

H. Each party is ordered to immediately execute all documents of title or writings needed to put the property award into effect. Each party is ordered to immediately deliver all property as required by this Decree. Each party is ordered to hold the other harmless from the payment of any debt not consistent with the terms of this Decree.

I. Transfers of property *Check one*

(1) The parties do not own any real estate.

(2) The parties will execute a quitclaim deed and deliver the deed to the county recorder of the county in which each parcel of real estate is located. The party receiving the property is responsible for the costs of recording this deed.

(3) A change of title is ordered and will be delivered to the county recorder of the county in which each parcel of real estate is located. The party receiving the property is responsible for the costs of recording the change of title.

(4) Other

J. The court fees in this case are \$_____ and *Check one*

(1) Petitioner will pay all court fees.

(2) Respondent will pay all court fees.

(3) Petitioner and Respondent shall each pay one-half of the court fees.

(4) Petitioner will pay _____ % and Respondent will pay _____ % of the total court fees.

K. Attorney's fees

(1) Petitioner's attorney's fees *Check one*

a. Not applicable.

b. Petitioner will pay Petitioner's attorney's fees.

c. Respondent will pay \$_____ for Petitioner's attorney's fees.

(2) Respondent's attorney's fees *Check one*

a. Not applicable.

b. Respondent will pay Respondent's attorney's fees.

c. Petitioner will pay \$_____ for Respondent's attorney's fees.

L. Spousal support (alimony) *Check one*

- (1) Neither Petitioner nor Respondent will pay spousal support (alimony) to the other.
- (2) Petitioner will pay spousal support (alimony) as set forth in the Settlement Agreement.
- (3) Respondent will pay spousal support (alimony) as set forth in the Settlement Agreement.
- (4) Petitioner will pay spousal support (alimony) to Respondent as follows:

- (5) Respondent will pay spousal support (alimony) to Petitioner as follows:

M. Name change

- (1) Petitioner's name *Check one*

- a. Is not changed.
- b. Is changed to: _____

- (2) Respondent's name *Check one*

- a. Is not changed.
- b. Is changed to: _____

N. Other

Dated this _____ day of _____, 20____.
Month

Judge
_____ Judicial District of Iowa

Attachment A

Assets

Description	Gross Value	<u>Awarded to:</u>	
		Petitioner	Respondent
1. _____	\$ _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____	\$ _____
7. _____	\$ _____	\$ _____	\$ _____
8. _____	\$ _____	\$ _____	\$ _____
Total Assets	\$ _____	\$ _____	\$ _____

Debts

1. _____	\$ _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____	\$ _____
7. _____	\$ _____	\$ _____	\$ _____
8. _____	\$ _____	\$ _____	\$ _____
Total Debts	\$ _____	\$ _____	\$ _____

Net Total (Assets Minus Debts): \$ _____

Net award to Petitioner and Respondent: \$ _____ \$ _____

Difference between the two awards: \$ _____