



SCHELDROP BLADES

Iowa Divorce Law Basics

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A divorce can, and potentially will, be one of the most difficult times in your life. Not only is a relationship spanning years coming to an end, you also have to physically divide property accumulated during your marriage. Understanding the Iowa divorce procedures can help reduce your levels of stress while your case proceeds forward towards finish.

All divorces in Iowa begin with one party filing a Petition. The Petition is the initial document filed with the Court alleging, in part, that there has been a breakdown in the marital relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. Additionally, the Petition requests an equitable distribution of both the marital assets and marital debts. Finally, the Petition can request the Court determine child custody, child support, and alimony, where applicable.

Once filed, the filing party must serve the Petition upon his or her spouse. From there, the spouse has twenty (20) days to file an Answer. The Answer is the first responsive pleading filed by the non-filing spouse (the Respondent) where the spouse admits or denies the allegations made by the Petitioner. The Respondent also makes any requests for relief to the Court in his or her answer.

Under Iowa law, the parties must wait at least 90 days to finalize their divorce. The Court, in its discretion, can waive this requirement. Practically speaking, waiver rarely happens and certainly will not happen when children are involved. This waiting period allows the parties to complete several court order requirements including: filing a Financial Affidavit, attending Children in the Middle, submitting Child Support Guideline Worksheets (if children are involved), and attending mediation.

At mediation the parties, and their respective attorney's depending on the judicial district, work with a certified mediator in an attempt to reach a resolution for the disposition of property, child custody and visitation, child support, and alimony (if applicable). If the parties reach an agreement, the agreement is

memorialized in a Stipulation and filed with the Court. The Court typically then adopts the stipulation as the decree.

In the event the parties do not reach a settlement, the matter goes to a trial scheduling conference and trial is set. If your case ends up going to trial, you can expect the process from filing the Petition to receive the Decree from the Court to take about nine (9) months to one (1) year. Pursuant to Iowa law, family law cases shall be scheduled to commence no more than (9) months from the date of filing. A party may, however, obtain an extension from the court extending the deadline to 15 months from the date of filing.

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