

IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

In Re the Marriage of: \_\_\_\_\_ and \_\_\_\_\_

Upon the petition of

\_\_\_\_\_  
Petitioner

No. \_\_\_\_\_

And Concerning

\_\_\_\_\_  
Respondent.

**FAMILY LAW CASE  
REQUIREMENTS ORDER  
(WITH MINOR CHILDREN)**

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. In general, you are both required to:

1. Complete a Children in the Middle class within 45 days from the date the case is filed or the date notified the case has been filed; Must be completed or no trial date or final order will be given.
2. Give certain financial information to your lawyer, if you have one, and to the other person or their lawyer 15 days prior to the SETTLEMENT CONFERENCE;
3. Participate in a SETTLEMENT CONFERENCE WITH A JUDGE, your attorney if you have one, the other party and the other party’s attorney and make good faith efforts to settle the case. At this conference you will also be required to complete the Joint Statement of Assets and Liabilities and Report of Contested and Uncontested Issues , exhibit list and witness list and file those with the clerk.
4. 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. These requirements are also intended to make trials available more quickly for those who cannot settle their case.
5. You are hereby notified that you may choose to participate in divorce mediation with a qualified mediator of your choice. However, the requirements of this order will still be in effect until a final order is approved by a District Court Judge. The mediation agreement shall be submitted to the judge for approval with appropriate proposed final orders. You are still required to appear at the dates and times noticed in this and any other court orders unless you have received prior authorization from the Court to be absent.
6. Participate in a Trial Scheduling Conference which is held in every case. See numbered Paragraph 3 below.

**IT IS THEREFORE ORDERED AS FOLLOWS:**

1. **Children in the Middle Class.** You must complete this class within 45 days of the date you filed the case or were notified that a case has been filed. The class will provide you with information about a) children of separated parents and their needs at different ages; b) parenting skills for divorced or separated parents; c) the financial responsibilities of parents following divorce; and d)

mediation as a process for helping people talk and listen to each other about what is important to them and best for their children.

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 finding of contempt by the court.

You are responsible for the class fees 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.

2. **Financial Information Exchange**. No less than 15 days prior to the settlement conference, you shall give your lawyer, if you have one, and to the other parties or his/her lawyer the following information:

- a. Paystubs or other documentation showing all income from all sources, including all deductions for federal and state taxes, dependent health and dental insurance premiums (including the specific cost of family and dependent health insurance), union dues, mandatory pension withholdings for the past six (6) months;
- b. Documentation regarding childcare expenses;
- c. Federal and state income tax returns, including all schedules and W-2's for the last five (5) years;
- d. The legal description and all appraisal and/or market analyses for all real estate owned, whether owned jointly or separately;
- e. Current values of any and all investments, retirement accounts, stocks, bonds, life insurance policies, bank accounts, mutual funds, deferred compensation accounts, IRA Accounts, 401K and any and all similar accounts or plans;
- f. Current statements of all debts;
- g. Any documentation establishing a claim that assets were gifted, inherited or premarital property;
- h. Any prenuptial agreements; and
- i. An affidavit of financial status (Iowa Code Section 598.13), and child support guidelines worksheets.

If you are involved in a modification case or an unmarried custody case, you only have to provide the information contained in letters a, b, c, and i. If you are involved in a dissolution of marriage proceeding you must provide ALL the information listed. If you do not provide the information on time you may be subject to contempt sanctions for failing to provide discovery which may include but not limited to: not being able to present evidence to the court, not being able to dispute the other side's evidence, being fined by the Court or any other available remedy under the Iowa Rules of Civil Procedure.

3. **Trial Setting Conference**: About ninety (90) days after the case is filed, notice of a Trial Scheduling Conference is automatically sent out. The notice will state the time and date of the Trial Scheduling Conference, and instructions. At a Trial Scheduling Conference, two (2) Court dates which require personal attendance in Court are scheduled: (1) a Settlement Conference date and (2) a trial date. Setting these dates is important in order to keep all cases on track. If final orders are entered before the Settlement Conference date and the trial date, both dates are removed from the court's

calendar. If final orders are entered after the Settlement Conference but before the trial date, the trial date is removed from the court's calendar.

**If you are represented by an attorney,** notice of the Trial Scheduling Conference will be sent to your attorney, and your attorney will participate in the Trial Schedule Conference on your behalf. Before the Trial Scheduling Conference, YOU MUST HAVE COMPLETED THE CHILDREN IN THE MIDDLE CLASS OR YOUR CASE WILL NOT BE SET FOR TRIAL AND MAY BE SUBJECT TO DISMISSAL.

**If you are representing yourself without an attorney,** you will receive the notice of the Trial Scheduling Conference, and you must participate in the Trial Scheduling Conference at the specified time and date. **In Scott County, Trial Scheduling Conferences are conducted in-person in Room 258 on the 2<sup>nd</sup> floor of the Scott County Courthouse. For cases filed in Scott County, if you cannot attend in person at the specified time and date, call Court Administration at 563-326-8783 and ask permission to participate by phone.** At this conference, you must report (1) whether you have completed the mandatory Children in the Middle Class and (2) if the case goes to trial the estimated length of trial, in other words, how long you think it will take both parties and their witnesses to tell their story to the judge.

**If you have not completed the required Children in the Middle Class at the time of Trial Scheduling Conference your conference will be rescheduled to the next month.**

4. **Temporary Custody Hearing:** At the request of EITHER party, the Court will schedule a hearing to determine temporary custody and child support. Once a request is made, a hearing will be set on a Thursday within 30-60 days from the request. The hearing times will be 9 a.m., 10:35 a.m., 1:30 p.m. and 3:05 p.m. Both parties must participate at the hearing. The hearings will be conducted in the following manner:
  1. The total length of the hearing will be 80 minutes with the time split evenly between the parties. There will be a 15 minute recess between the two morning and two afternoon hearings.
  2. Start and stop times will be STRICTLY enforced.
  3. Per local rules the ONLY evidence submitted at this hearing will be sworn testimony of the parties and signed and sworn affidavits.
  4. Testimony from both parties will be given before cross-examination is allowed.
  5. The Court will enter a template type order either contemporaneously or shortly after the hearing.
5. **Settlement Conference.** A settlement conference will be set approximately 30 days before the scheduled trial date. The parties and their attorneys, if any, will meet to discuss the status of their case. At this conference, the parties will fill out a form called "Stipulation of Assets and Liabilities." This form can be obtained from the Judicial Branch website (found in #6 of this order) or the Clerk of Court. In this form, the parties shall list and value all of their assets and liabilities and they shall identify the issues they have agreed upon and the issues still in dispute. At the conclusion of the settlement conference, the parties shall file their completed Stipulation of Assets and Liabilities.
6. **Notice.** You must keep the Scott County Clerk of Court, and the other party and his/her counsel advised of your address and phone number at all times. ANY CHANGE OF ADDRESS OR PHONE NUMBER MUST BE IN WRITING FILED WITH THE CLERK. If you are a self-represented litigant you must still comply with all district court rules, and the rules of civil procedure and evidence.
7. **Judicial Branch Website.** The following internet link will provide access to the 7<sup>th</sup> Judicial District's local rules. [http://www.iowacourts.gov/District\\_Courts/District\\_Seven/](http://www.iowacourts.gov/District_Courts/District_Seven/)

8. **Waiver:** If you believe that you cannot fulfill any of the requirements of this order, you must file a WRITTEN request seeking waiver and appear before a District Court Judge on any day of the week in Scott County at 8:30 a.m. or 1:30 p.m. YOU MUST FIRST GO TO THE CLERK'S OFFICE TO SEEK ASSISTANCE WITH GETTING THE COURT FILE AND PRESENTING THE REQUEST TO THE JUDGE.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE, SEVENTH JUDICIAL DISTRICT

\_\_\_\_\_This order shall be served with the Petition and Original Notice.