

Instructions on How to Complete a Petition for Dissolution of Marriage With No Minor Children (FL-101)

Do not file or give these instructions to the district court clerk's office.

Use this form only if all of these are true:

- You are married.
- You want to file a Petition for divorce.
- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support.
- The wife is not pregnant.
- Your spouse lives in Iowa or you have lived in Iowa for the last year before you file the Petition.

Do not use this form if any of these are true:

- You and your spouse have children under the age of 18.
- You and your spouse have children 18 years of age or older who need support. For example: The child is 18 years of age but is still in high school. Or the child is 18 years of age or older but is in college or disabled and needs support.

No forms are available for these situations:

- You want to divide property, but are not married.
- You have children with another person and you want to have custody of the children, but you are not married.
- You and your spouse are divorced, but you want to change something in the divorce order.
- You want support for yourself or your children, but you do not want a divorce.

Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

Court staff cannot give you legal advice.

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

The district court clerk will charge you a filing fee when you file this form.

- Ask the clerk how much it will cost. You might be able to file the form without paying the fee. See form **FL-109** and its instructions.

After you file the Petition at the district court clerk's office, you have 90 days to serve the Petition on the Respondent (your spouse).

- If you fail to meet this deadline your dissolution of marriage case will be dismissed.

If this is the form you need:

- Begin at the top of page 1 on the Petition and fill in the information. Use the information on the following pages to help you fill in the form correctly.

Print clearly when you write information on form **FL-101**

How to Fill in Form **FL-101**

Part A. IN THE DISTRICT COURT

- *In the District Court for:* Print the name of the county where you are filing the Petition. If you live in Iowa, file it in the county where you live. If you live in another state and your spouse lives in Iowa, write the name of the county where your spouse lives.
- *In Re the Marriage of:* On the first line print your full name; on the second line print your spouse's full name. Use the legal names you have now.

Part B. UPON THE PETITION

- You are the Petitioner. On the first blank write your full name: first, middle and last.
- Your spouse is the Respondent. On the second blank write your spouse's full name: first, middle and last.
- In the box on the right side of the page, write the **Equity case number**. The district court clerk's office will determine the number to write in this box. This will be the case number for the rest of your divorce case. It will go on the first page of every form or other legal paper filed in your case.
- Do not write anything in the box below the words "Clerk Stamps Here." The district court clerk uses that box.
- The district court clerk will stamp the date your case is filed.

Part C. PERSONAL INFORMATION

► **If you have been assaulted by your spouse and you fear for your safety, you may leave your present address (where you live) and phone number blank.** However, in part **G.** on the form, you must provide an address where you can *receive mail*. Ask the district court clerk about this if you have any questions.

- 1.** You are the Petitioner. On the blank lines write in your date of birth, address, city, county, state, zip code and telephone number. Make sure the information is correct.
- 2.** Your spouse is the Respondent. On the blank lines write in your spouse's date of birth, address, city, county, state, zip code and telephone number. If you do not know all of the information, fill in what you do know.

Part D. INFORMATION ABOUT THE MARRIAGE AND THE PARTIES

- 3.** Write the date and place of your marriage on the blank lines.
- 4. Children:** If there are children under the age of 18 -- or if the wife is pregnant -- you **cannot use this form**. You should talk to an attorney.
 - a. Check the box if there are no children under the age of 18 who are the children of **both** the husband and the wife.
 - If the husband and wife had children together (born or adopted) before the marriage and the children are under the age of 18, **you cannot use this form**.
 - If the husband and wife had children together (born or adopted) during the marriage and the children are under the age of 18, **you cannot use this form**.

- b. Check the box if there are no children under the age of 18 who were adopted or born while the wife and husband were married.
- If any children under the age of 18 were born or adopted during the marriage, **you can not use this form**. You cannot use this form *even if the husband is not the father*.
- c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.
- If there are children 18 years of age or older who need support, **you cannot use this form**.
 - Examples:
 - A child is 18 years of age but is still in high school.
 - A child is 18 years of age or older but is in college or disabled and needs support.
- d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

- 5.** Check this box if you are not living in Iowa just to get a divorce.
- You cannot get a divorce in Iowa if your spouse does not live in Iowa and you came here just to get a divorce.
 - If you do not live in Iowa, do not check the box.
 - If you do not live in Iowa you can only get a divorce in Iowa if your spouse lives in Iowa.
 - If you have questions about this, talk to an attorney.

- 6.** Fill in the number of years and months you have lived in Iowa.
- If you have always lived in Iowa, count the time since your birth.
 - If you have been a resident of another state, count the time since you last moved to Iowa.
 - If your spouse lives in Iowa, you do not need to live in Iowa.
 - If your spouse does not live in Iowa, and you have lived in Iowa for less than one year, you cannot file for divorce in Iowa.
 - If your spouse does not live in Iowa, you must have lived in Iowa for the last year before you may file a divorce in Iowa.
 - If you have questions about this, **you should talk to an attorney**.

7. Read a., b., c., and d. carefully.

- a. If “a” is true, check the box.
- b. If “b” is true, check the box.
- Do not check the box if you and your spouse have a divorce case in Iowa or another state that is still going on.
 - If you or your spouse has filed for divorce anywhere else, explain in **10** on the Petition. **You should also talk to an attorney.**
- c. If “c.” is true, check the box.
- d. If “d.” is true, check the box. If counseling will save the marriage, **do not check the box**.

8.

- a. You must check the box if your spouse is in the military.
- There are special rules that may prevent your case from going forward if your spouse is in the military. **You should talk to an attorney.**

- b. You must check the box if your spouse is in prison or in jail.
- A spouse in prison or jail may be entitled to a “guardian ad litem.”
 - A guardian ad litem is an attorney appointed to protect the interests of an incarcerated spouse in some cases.

If your spouse is in prison or jail, state where in **10** on the Petition.

9. Check the box if there is now a “no contact” order or a ”protective” order. If you check this box, you must fill in: a. (county and state where the order came from) and b. (court case number).

- 10.** If there is anything else you want to tell the court – write it on the blank lines at **10**.
- All the basic information you need to tell the court is listed in **1** through **9** on the Petition.
 - You should write something at **10** on the Petition only if you need to explain something.

Part **E.** REQUEST OF THE PETITIONER

Important Note: If you do not know what you want, **talk to an attorney.** Be sure to read “a.” through “f.” carefully. Check only the ones you want the court to consider.

- If you want alimony or attorney fees before the divorce is final, you must file a Motion, form **FL-122.**
- Check box “f.” if you changed your name when you married and you want to change your name back to your former or maiden name. You *cannot* change your name to any name you want. You can change it only to the name you had before you got married.
- Check box “g.” and print a brief statement if there is something else you want. [Example: If you want marriage counseling, write “I want the court to order marriage counseling” on the blank lines in “g.” of part **E.**]

Part **F.** ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you *must* fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

Part **G.** OATH AND SIGNATURE

Fill in all the blank lines in part **G.** Write the address where you want the court and your spouse to send mail to you. This does not have to be your home address.

By signing this form you are stating that the information on this form is true. **The court may punish you if you lie on this form.**

Checklist of things you should do after you complete the Petition form:

- Carefully check your Petition form. Be sure you've answered all questions.
- Make three photocopies of the original Petition.
- Take all four papers (the original and three photocopies) to the district court clerk's office; ask them to time-stamp all four papers.
- File the original Petition at the district court clerk's office.
- Pay the filing fee. Ask the district court clerk how much it will cost. If you cannot afford to pay the filing fee, you may complete and file form **FL-109**: Application and Affidavit to Defer Payment of Costs.
- Serve one copy of the Petition on your spouse or your spouse's attorney. You **must** do this **within 90 days** after you file the Petition with the district court clerk. If you ask a civil process server to serve the copy on your spouse the process server will also need a copy. (For important instructions on how to serve the petition on your spouse, see "*A Guide to Representing Yourself in a Divorce Case in Iowa: For Spouses With No Minor Children*" (Part A). It's available at the district court clerk's office.)
- Keep a copy for your own records.

Keep these instructions. Do not file these instructions with the Petition.