

## **DISSOLUTION OF MARRIAGE**

- I. **GENERAL INFORMATION.** Our law office recognizes how difficult and stressful a dissolution of marriage action can be for all of the parties. Although we cannot make a dissolution of marriage situation pain-free, we will try to help you understand the procedures and steps necessary to address your concerns and help you through the process. Our office is always willing to try to help explain and keep you advised as to progress in your case as well as trying to help explain any questions you may have throughout your case.
  
- II. **OUTLINE OF DISSOLUTION OF MARRIAGE ACTION.** Every dissolution of marriage action has schedules and issues which are unique to that situation. However, many actions follow a schedule that is similar to the one shown below:
  - A. Petition for Dissolution of Marriage is filed by one of the parties.
  
  - B. The Petition is served upon the other party. This may be accomplished by having the Respondent sign a receipt for the document or a process server or law enforcement officer officially serving the papers.
  
  - C. An Answer is filed. The person who was served with the Petition usually is given 20 days to file an Answer or response to the allegations in the Petition.
  
  - D. Exchange of Information. After all parties have been served and answers have been filed with the Court, generally the parties will exchange financial information. This can be accomplished informally by counsel for the parties exchanging documents and making requests for information through general correspondence and phone calls or formally by filing motions with the Court, which require the other party to provide requested financial information.
  
  - E. Mediation. Prior to any hearing in front of a Judge, the parties will need to participate in at least one mediation session to attempt to resolve disputes between them. The mediator is not a decision maker for your case but can help find areas for agreement.
  
  - F. If one or both parties deem it is appropriate, applications for temporary orders are also filed with the Court shortly after the Petition has been served. Examples of applications for temporary orders include requests for temporary support, temporary visitation, or temporary attorney fees.

- G. **Negotiations.** Usually, the parties are unable to complete any meaningful negotiations until there has been an exchange of financial information. Once basic financial information has been made available to both sides, the parties are able to intelligently discuss resolution of their case. The parties may discuss the matter with each other or choose to have the negotiations take place solely through their attorneys. The parties may choose to have an outside mediator meet with them to assist them in discussing and negotiating the issues in their case. If you are interested in mediation, we will be happy to provide you with more detail with regard to this option.
- H. **90-Day Waiting Period.** Iowa law provides for a 90-day waiting period after the Petition is served before the parties can complete the dissolution. The waiting period may be waived under limited circumstances. It is more common that a case lasts longer than 90 days.
- I. **Children in the Middle Class.** If the parties have minor children, they will both be ordered to attend a class entitled Children in the Middle. This must be completed before the case may be resolved.
- J. **Resolution.** Generally, parties are able to agree upon issues and resolve the dissolution of marriage without the necessity of contested litigation. In each dissolution of marriage case, the parties have three options:
1. **Settlement.** The parties enter into an agreement referred to as a Stipulation which indicates to the Court the precise terms of property settlement, custodial orders, and other matters arising from the dissolution action. The Stipulation is then presented to the Court for approval and a Decree of Dissolution of Marriage pursuant to the terms of the Stipulation.
  2. **Trial.** If the parties are unable to agree upon issues in their dissolution of marriage action, it is then necessary to have a trial. At trial, a judge will hear evidence presented by both sides of the case and make a decision with regard to how the matter should be completed. Most dissolution trials involving custody issues take approximately three days. Most dissolution of marriage actions which do not involve custodial orders can be tried in one to one and one-half days.
  3. **Partial Settlement/Limited Trial.** In many circumstances, parties are able to agree upon a number of the issues in their case but are simply unable to agree upon all of the issues. The parties may choose to enter into a partial settlement resolving the issues they agree upon and then have a trial where the judge is only requested to decide the issues the parties are unable to agree upon. For example, the parties may agree that the Petitioner should be awarded primary physical placement of their minor child but they are unable to agree on the appropriate level of child support to be paid by the Respondent. In these cases, the Court may simply be requested to review evidence concerning the financial status of the parties and enter an Order for support.

### III. OFFICE PROCEDURES.

- A. Retainers. After your initial attorney/client conference, you will be requested to pay a retainer (deposit). The retainer is placed in an escrow account and used on a monthly basis to pay for legal services and expenses rendered by the office. You will be billed each month for legal services. If there are funds available in your retainer account, those funds will be used to pay your bill for legal services. In the event the retainer is insufficient to pay for legal services at the end of a month, you will receive a bill for the unpaid balance. Once the case is finalized, any remaining funds will be refunded to you.
- B. Charges. Attorney services are billed in increments of one-tenth of an hour at the rate of \$220 per hour. The services of the legal assistant are billed in increments of one-tenth of an hour at the rate of \$70 per hour. There is no charge for secretarial services as they are included in the billing rate shown above.
- C. Copies. We will try to send copies of all documents filed in your case. If you have any questions concerning these documents, please feel free to call our office.
- D. Appointments. As your case progresses, please feel free to call to schedule an appointment to discuss your questions or concerns. If you call and the attorney is not available to take your call, we may offer to arrange for a 'phone appointment'. A phone appointment is scheduled at a mutually convenient time when the attorney will be available to discuss your case.

CONCLUSION. This pamphlet attempts to answer questions which commonly arise in a dissolution of marriage action. Each case is unique; as such, please feel free to ask us questions about your case. We will try to address each of your concerns.