

IN THE IOWA DISTRICT COURT FOR

COUNTY

Petitioner,

vs.

Respondent.

No. _____

**PETITION FOR DETERMINATION OF
CONTROLLING ORDER AND
RECONCILIATION OF ARREARS**

COMES NOW, the State of Iowa's Child Support Recovery Unit, by its attorney,
_____ and pursuant to I.R.C.P. 1.1101 hereby offers this Petition for
Determination of Controlling Order and Reconciliation of Arrears under 28 U.S.C. § 1738B, and
Iowa Code Chapter 252K and, in support of this Petition, states:

1. Pursuant to Iowa Code section 252K.201, the Court has personal jurisdiction over the
obligor, _____ for the following reason. The obligor

- resides in Iowa.
- requested a determination of controlling order and waives any contest to personal jurisdiction.
- was personally served with notice within Iowa.
- submitted to the jurisdiction of Iowa by consent in a record or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.
- lived in Iowa with the child(ren) named herein from _____ through _____.
- lived in Iowa from _____ through _____ and provided prenatal expenses or support for the child(ren) named herein.
- directed or acted in a manner that resulted in the child(ren) named herein living in Iowa by the following: _____
- engaged in at least one act of sexual intercourse in Iowa with the other parent between _____ and _____ which may have resulted in the conception of the named child(ren).

PETITION FOR DCO AND RECONCILIATION OF ARREARS (cont)

asserted parentage of a child in the declaration of paternity registry maintained in this state by the Iowa Department of Public Health pursuant to Iowa Code section 144.12A or established paternity by affidavit under Iowa Code section 252.3A.

has sufficient minimum contacts with the State of Iowa, because:

_____.

2. Pursuant to Iowa Code section 252K.201, the Court has personal jurisdiction over the obligee, _____, for the following reason. The obligee

resides in Iowa.

requested a determination of controlling order and waives any contest to personal jurisdiction.

was personally served with notice within Iowa.

submitted to the jurisdiction of Iowa by consent in a record or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

lived in Iowa with the child(ren) named herein from _____ through _____.

lived in Iowa from _____ through _____ and provided prenatal expenses or support for the child(ren) named herein.

directed or acted in a manner that resulted in the child(ren) named herein living in Iowa by the following: _____

engaged in at least one act of sexual intercourse in Iowa with the other parent between _____ and _____ which may have resulted in the conception of the named child(ren).

asserted parentage of a child in the declaration of paternity registry maintained in this state by the Iowa Department of Public Health pursuant to Iowa Code section 144.12A or established paternity by affidavit under Iowa Code section 252.3A.

has sufficient minimum contacts with the State of Iowa, because

_____.

3. Pursuant to Iowa Code section 252K.201, the Court has personal jurisdiction over the third party, _____, for the following reason. The third party

resides in Iowa.

requested a determination of controlling order and waives any contest to personal jurisdiction.

PETITION FOR DCO AND RECONCILIATION OF ARREARS (cont)

- was personally served with notice within Iowa.
- submitted to the jurisdiction of Iowa by consent in a record or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.
- lived in Iowa with the child(ren) named herein from _____ through _____.
- lived in Iowa from _____ through _____ and provided prenatal expenses or support for the child(ren) named herein.
- directed or acted in a manner that resulted in the child(ren) named herein living in Iowa by the following: _____
- engaged in at least one act of sexual intercourse in Iowa with the other parent between _____ and _____ which may have resulted in the conception of the named child(ren).
- asserted parentage of a child in the declaration of paternity registry maintained in this state by the Iowa Department of Public Health pursuant to Iowa Code section 144.12A or established paternity by affidavit under Iowa Code section 252.3A.
- has sufficient minimum contacts with the State of Iowa, because _____.

4. An Iowa tribunal has the subject matter jurisdiction of the matter pursuant to Iowa Code section 602.6101.

5. The residences of the parties and child(ren) are as follows:

- a. The obligee is residing in _____.
- b. The obligor is residing in _____.
- c. The third party is residing in _____.

The residence of the child(ren) affected by the registered order(s) is/are:

| Child's Initials | State of Residence | Period of Residence | Child's Home State |
|------------------|--------------------|---------------------|--------------------|
| _____ | _____ | _____ to _____ | _____ |
| _____ | _____ | _____ to _____ | _____ |
| _____ | _____ | _____ to _____ | _____ |
| _____ | _____ | _____ to _____ | _____ |
| _____ | _____ | _____ to _____ | _____ |

PETITION FOR DCO AND RECONCILIATION OF ARREARS (cont)

| Child's Initials | State of Residence | Period of Residence |
|------------------|--------------------|---------------------|
| _____ | _____ | _____ to _____ |
| _____ | _____ | _____ to _____ |
| _____ | _____ | _____ to _____ |
| _____ | _____ | _____ to _____ |
| _____ | _____ | _____ to _____ |

6. There are multiple support orders from multiple jurisdictions relating to the parents and, if applicable, the caretakers, in this action. The following order(s) exist(s) which involve the obligor, obligee and above-named child(ren) and a copy of each order in effect and applicable record of payment has been filed in this action:

| Issuing State | Issuing County | Docket Number | File Stamped Date | Support Amount |
|---------------|----------------|---------------|-------------------|--------------------|
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |
| _____ | _____ | _____ | _____ | \$ _____ per _____ |

7. Pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K, a state has continuing, exclusive jurisdiction over orders originally entered, registered or modified in that state, if one of the individual parties or one of the child(ren) covered by the order continues to reside in the state.

8. Pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K, a state loses continuing, exclusive jurisdiction over orders it originally entered or orders it registered and modified, if none of the individual parties, and no child(ren) covered by the order, reside in that state, or if its order has been properly registered and modified in another state.

9. That upon information and belief, pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K and based upon the existing orders known to the State of Iowa, no tribunals that entered an order have continuing, exclusive jurisdiction and the tribunal of this state must issue a support order. That upon information and belief, pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K and based upon the existing orders known to the State of Iowa, the controlling ongoing support order is the _____ order entered in _____ County, Docket Number _____. This order is controlling because it is the only known ongoing support order in existence. because it was issued by the only tribunal that has continuing, exclusive jurisdiction. although more than one tribunal has continuing, exclusive jurisdiction, it was issued by a tribunal that has continuing, exclusive jurisdiction and is

the home state of the child(ren). because it was the most recent ongoing support order issued by a tribunal with continuing, exclusive jurisdiction, and _____, the current home state of the child(ren) has not issued a support order. because it was the most recent ongoing support order issued by a tribunal with continuing, exclusive jurisdiction, and neither _____, the home of the child(ren) _____, nor _____, the home state of the child(ren) _____, has issued support orders. That upon information and belief, pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K and based upon the existing orders known to the State of Iowa, the controlling ongoing support order is the Iowa order entered in _____ County, Docket Number _____, and the Iowa order entered in _____ County, Docket Number _____ , and the Iowa order entered in _____ County, Docket Number _____, According to Iowa Code section 252A.6, no Iowa order supersedes any previous Iowa order. All Iowa orders run concurrently and were reviewed together. These orders are controlling because they were issued by the only tribunal that has issued orders. These orders are controlling because they were issued by the only tribunal that has continuing, exclusive jurisdiction. That upon information and belief, pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K and based upon the existing orders known to the State of Iowa, the controlling ongoing support order for _____ is the _____ order entered in _____ County, Docket Number _____, and the controlling order for _____ is the _____ order entered in _____ County, Docket Number _____. These orders are controlling because, although more than one tribunal has continuing, exclusive jurisdiction, these orders were issued in the children's respective home states by tribunals with continuing, exclusive jurisdiction.

10. Under Iowa Code section 252A.6(7), a support order does not supersede any previous order of support, but the amounts paid for a particular period pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. Under Iowa Code section 252K.209, amounts collected and credited must be credited against amounts accruing or accrued for the same period in this state. The obligor owes arrears of \$ _____ under order(s) listed in the computation attached hereto as State's Exhibit A and incorporated herein by this reference. It is the parents' responsibility to review this document to ensure it is accurate. Since the State of Iowa does not compute or collect interest that is not reduced to a judgment, interest is only included in the computation to the extent that it has been charged by

another state or has been reduced to a judgment by a court order, and does not prejudice the right of the payee of support to pursue interest under the law.

11. Parties may contest the accuracy of the amount of the arrearage in State’s Exhibit A if they believe the balance is incorrect, or they may consult a private attorney. If there are other orders that affect the arrears that are not listed in State’s Exhibit A and the parties fail to raise those orders and a judgment for arrears is entered, the right to later assert a claim under those orders may be affected. Parents and, if applicable, a caretaker in this action may assert possible defenses to the calculated arrears amount, such as statute of limitations, laches, payments or they may assert other reasons that the calculated arrears amount is incorrect.

12. At the time of the filing of the petition, the State of Iowa did not have sufficient information available to litigate other forms of support that may be at issue in this case, including, but not limited to, unreimbursed medical support.

WHEREFORE, pursuant to 28 U.S.C. § 1738B and Iowa Code Chapter 252K, the State of Iowa prays that the Court enter an order as follows:

1. That determines the order/decre from _____ County, _____, with court docket number _____ is the controlling support order for purposes of prospective enforcement for the reason stated in the findings. the controlling ongoing support order is the Iowa order entered in _____ County, Docket Number _____, and the Iowa order entered in _____ County, Docket Number _____ , and the Iowa order entered in _____ County, Docket Number _____ for purposes of prospective enforcement for the reason stated above. the controlling order/decre for _____ is the _____ order entered in _____ County, Docket Number _____, and the controlling order for _____ is the _____ order entered in _____ County, Docket Number _____ for purposes of prospective enforcement for the reason stated above. a controlling order does not exist because none of the tribunals that previously issued an order have continuing, exclusive jurisdiction and the tribunal of the State having jurisdiction over the parties must issue a child support order.

2. That reduces the amount of the arrears to a certain sum as stated herein and as shown on Exhibit A or such other sum as the court determines after considering objections raised by any party; that the arrears amount includes interest only insofar as it is calculated on Exhibit A; and that other accumulating interest issues are reserved.

3. That reserves judgment as to the amount of the past unreimbursed medical expenses, if any, and any and all other support issues not specifically described herein relating to the above mentioned order(s), because, at the time of the filing of the petition, the State of Iowa did not have sufficient information available to litigate other forms of support that may be at issue in this case.

4. That requires that _____ shall pay all costs of this action.

Attorney for the State of Iowa
Child Support Recovery Unit

NOTICE: Attorneys employed by or under contract with the Child Support Recovery Unit do not represent either parent of the child(ren) herein. The above attorney represents the State. Iowa Code section 252B.7(4)

PETITION FOR DETERMINATION OF CONTROLLING ORDER AND RECONCILIATION OF ARREARS

VERIFICATION

STATE OF IOWA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, depose and state that I am an employee of or under contract with the Iowa Department of Human services, Child Support Recovery Unit, that I have read the foregoing petition, and attachment thereto, and that the contents thereof are true and correct to the best of my information and belief.

Support Recovery Officer,
Child Support Recovery Unit

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

My Commission expires: _____