

STATE OF IOWA, ex rel.,

vs.

Respondent.

No. _____

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

COMES NOW, the State of Iowa, by its attorney, _____ and pursuant to I.R.C.P. 261 hereby offers this Petition for Determination of Controlling Order under 28 U.S.C. § 1738 (Full Faith and Credit for Child Support Orders Act), as amended by the Personal Responsibility and Work Opportunity Act of 1996, and Iowa code chapter 252K (Uniform Interstate Family Support Act) and, in support of this Petition, states that:

1. Pursuant to Iowa Code Section 252K.201, the Court has personal jurisdiction of Respondent for the following reason: The Respondent

- was personally served with notice within Iowa.
- submitted to the jurisdiction of Iowa by written consent 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 in the declaration of paternity registry maintained in this state by the Iowa Department of Public Health pursuant to 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. An Iowa tribunal has the subject matter jurisdiction of the matter pursuant to Iowa Code section 602.6101.

3. 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 _____ .
- c d. The residence of the child(ren) affected by the registered order(s) is:

PETITION FOR DCO AND DETERMINATION OF ARREARS (cont)

Child's Name (last, first, middle)	State of Residence	Period of Residence
_____	_____	_____ to _____
_____	_____	_____ to _____
_____	_____	_____ to _____
_____	_____	_____ to _____
_____	_____	_____ to _____

Child's Name (last, first, middle)	State of Residence	Period of Residence	Child's Home State
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____

4. 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 certified copy of each order has been filed in this action:

Issuing State	Docket Number	Effective Date	Support Amount	Arrearages
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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

6. 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.

7. 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 order from _____ County, effective on _____ with docket number _____ is the only tribunal that has continuing exclusive jurisdiction.

the order from _____ County, effective on _____ with docket number _____ has continuing, exclusive jurisdiction and was issued by the tribunal in the current home state of the child(ren)

the current home state of the child(ren) has not issued an order. However, the order from _____ County, _____, effective on _____ with docket number _____ has continuing, exclusive jurisdiction and is the most recently issued order.

PETITION FOR DCO AND DETERMINATION OF ARREARS (cont)

no tribunals that entered an order have continuing, exclusive jurisdiction and the tribunal of this state must issue a support order.

8. 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. The obligor owes arrears under the order(s) listed in the above table totaling in the amount of _____ as shown in the affidavit of arrears. The amount of arrears

- includes interest.
- does not include interest.

9. 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. The Court hereby orders that

the order/decre from _____ County, __, effective on _____ with court docket number _____ is the controlling support order for purposes of prospective enforcement for the reason stated in the findings.

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. This Court enters an order reducing the amount of the arrears to a certain sum and that judgment on the interest on the arrears be entered as requested above.

3. The Court reserves judgment as to the amount of the past unreimbursed medical expenses, if any, and any and all support issues 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. _____ shall pay all costs of this action. These costs shall be paid to the Clerk of the above named Court.

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) (1997)

PETITION FOR DETERMINATION OF CONTROLLING ORDER

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 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: _____