**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

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| IN RE THE MARRIAGE OF JOHN DOE AND JANE DOE | |
| Upon the Petition of  JOHN DOE,  Petitioner,  And Concerning,  JANE DOE,  Respondent. | CASE NO. \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*  **APPLICATION FOR EMERGENCY EX PARTE CUSTODY ORDER AND EMERGENCY CUSTODY HEARING** |

COMES NOW Petitioner (hereinafter “John”), by and through his counsel and pursuant to Iowa Code §598B.204, hereby requests an emergency custody order or emergency temporary hearing or in the alternative pursuant to *In re Marriage of Grantham*, 698 N.W.2d 140, 146 (Iowa 2005), hereby requests an order temporarily reassigning the custodial rights of the parties and in support of states:

1. Presently before the Court is the Respondent’s Application for Modification of the parties’ Decree of Dissolution of Marriage. The matter involves the best interests of the minor child of the marriage, J.J.D 1855.

2. In the modification action, John requests that the Court establish primary physical care of the minor child in his favor. He requests that the parties retain joint legal custody of their minor child. Further, he requests that the mother of the child, Jane Doe, be granted limited visitation with the child until her mental health concerns are resolved. The factual basis for said request is set out in the affidavit of John.

3. The minor child is currently in the physical care of John, as Jane was civilly committed for mental health issues. Since the entry of the Decree of Dissolution of Marriage, Jane’s mental health has severely deteriorated.

4. Prior to her committal Jane removed the parties’ minor child from her prescribed medication. She also removed the child from public schooling. In addition, she grabbed the child and jumped from a moving car with her.

5. Jane’s father and her best friends notified John of the issues and requested that he come pick up J.J.D on May 8, 2015.

6. Because of the Respondent’s physical abuse and the child’s recent behavior, the minor children are being subjected to mistreatment or abuse as contemplated in Iowa Code §598B204(1).

7. Because of the child’s young age and the Court’s overriding concern that all custodial/visitation orders be in the child’s best interest the John should be granted emergency temporary primary physical custody of the parties’ minor child.

WHEREFORE, Petitioner, John Doe, respectfully requests this Court, issue an emergency temporary custody order granting the petitioner primary physical care of the minor child, or in the alternative pursuant to Iowa Code section 598.10 or section 598B.205, set an expedited temporary hearing.

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