

HOW TO FILE FOR A RETURN OF SEIZED PROPERTY HEARING

Seized property hearings are hearings before the court to determine possessory right of property. They are used when someone desires immediate return of property seized by the police department or when multiple claimants have filed a claim of ownership interest or possessory right to the same property.

Seized property hearings are required before a claimant may take possession of a firearm and/or ammunition from the police department; this is done to verify not only that the person is the lawful owner of the property in question, but also to verify that the person may legally possess firearms and/or ammunition.

A person wishing to file for a seized property must do so through the Dubuque County Clerk of Court. The filing is required by code to be done electronically on the Iowa Judicial Branch's Electronic Filing (eFiling) website. The Clerk's Office and the police department are prohibited from instructing you about what content to include in your filing and from providing legal advice.

To file for a seized property hearing, follow the steps listed below:

PROPERTY CLAIM FORM

The Dubuque Police Department's Property Claim Form can be used in accordance with state code to file a written claim of ownership interest or possessory right to property being held by the police department. The form documents the claimant's interest in taking possession of the property once it is eligible for release by the police department. The claim form must be submitted within thirty (30) days of notice from the police department. After filing a claim, the claimant must notify the police department's Property & Evidence Coordinator in writing of any change in contact information.

1. Obtain a Property Claim Form in person at the police department or at www.cityofdubuque.org/propertyevidence.
2. Complete and file the form. The Dubuque Police Department cannot accept electronic submission of Property Claim Forms. Completed forms may be dropped off in person or mailed to:
Dubuque Police Department
Attn: Property & Evidence Coordinator
770 Iowa St.
Dubuque, IA 52001

EFILING INFORMATION

3. Go to <https://www.iowacourts.state.ia.us/Efile//>
4. If you are not familiar with eFiling and do not already have a user name and password, you may view the "Guides and Training" section for user instructions and other information. If you are familiar and have a user name and password, skip to step 5.
 - A. To request a user name, click on the "Request Account" button and read the information listed. If you agree with the terms, click the appropriate radio button and then click "Submit".
 - B. Select the appropriate user role. Unless one of the other choices applies, most users would select "Registered Filer". Click "Next".
 - C. Create a user name, password, and enter your identification and contact information. Click "Submit".
 - D. Click "OK". You will receive an email from "efiling.mail@iowacourts.gov" regarding your account creation. Once your account is approved, proceed to step 5.

5. Login using your user name and password.
6. For a new filing, click the “New Case” button.
7. Click on the “Civil” link and then the “Seized Property” link.
8. Enter the police department’s report number (example: 2021-012345) in the “Filer Reference Number” field. This number can be found on your Property & Evidence Voucher.
9. Select “Dubuque” in the “County” field.
10. Enter “Seized Property of” and your name in the “Case Title” field (example: Seized Property of John Doe).
11. You may add other participants/parties to the case, if necessary. When complete, click “Next”.
12. Select “Application” in the “Document Category” field.
13. Select “Other Application” in the “Document Type” field.
14. At a minimum, you must attach a “Claim for Return of Seized Property” form to your filing. You may obtain that form from the Clerk’s Office or download a copy at www.cityofdubuque.org/propertyevidence. Use the “Browse” button to attach supporting documentation and click “Add”. When complete, click “Next”.
Information related to the “Claim for Return of Seized Property” form:
 - Criminal No. (if known) means the COURT case number for any criminal charges related to seizure of the property.
 - Case No. is the COURT case number of your seized property hearing, if one has already been assigned. A new case will not yet have a number assigned so leave this blank.
 - Agency Case No. is the Dubuque Police Department case number.
 - Agency: is the Dubuque Police Department (if property was seized by DPD).
 - Prosecuting Attorney: may be left blank.
 - Note that this form must be signed in the presence of a Notary Public/Deputy Clerk. Other supporting documentation may also be attached.
15. Review the filing and click “Submit the Filing”.
16. Updates regarding the filing, such as when the hearing is scheduled, will be sent to the email address associated with the account; monitor that email account.

AFTER YOUR SEIZED PROPERTY HEARING

Iowa Code states that if you are awarded the property by the court, you must take possession of that property within thirty (30) days. Property not claimed within thirty (30) days shall be deemed abandoned and shall be disposed of accordingly.

It is your responsibility to contact the police department to make arrangements to pick up the property.

It is strongly recommended that you set a mutually agreed upon time to pick up the property prior to showing up at the police department. Making arrangements in advance ensures that you will be able to obtain your property in a timely manner, avoiding a long wait time or an additional trip to the law enforcement center.