

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the Petitioner

Respondent

Attorney for the Petitioner Respondent and my Utah Bar number is _____.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Motion for Temporary Order

Hearing Requested

Case Number _____

Judge _____

Commissioner _____

Instructions: You must attach the following records and forms if they are not already filed with the court.

- Continuation Pages (If any, completing paragraphs that don't have enough space. Write the paragraph number on the continuation page.)
- Statement Supporting Motion for Temporary Order
- Documents supporting any of your claims or arguments
- Parenting Plan (If requesting joint legal custody and/or joint physical custody.)
- Parent Location Form (If child support is requested.)
- Child Support Obligation Worksheet (If child support is requested.)
- Financial Declaration Form (If *any* money payment (child support, alimony, attorney fees, etc.) from the other party is requested, attach the Financial Declaration form and its supporting documents.)
- Order on Motion for Temporary Order

By and through my attorney, (Attorney, check here if you are appearing on behalf of your client.)

I say as follows:

(1) **I request** that the court enter the temporary orders in the Paragraphs I have marked.

(2) **Child custody.** Order custody as we agree in the parenting plan. If there is no parenting plan or if we cannot agree on a parenting plan, order the following custody: (Complete (a) or (b).)

(A) Order that my proposed parenting plan be approved.

OR

(B) Order sole physical and legal custody of the children as follows:

Child's Initials	Year and Month of Birth	Order custody to:
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

(3) **Parent-time.** Order parent-time as we agree in the parenting plan. If there is no parenting plan or if we cannot agree on a parenting plan, order the following parent-time: (Complete (a), (b), or (c).)

(A) Order that my proposed parenting plan be approved

OR

(B) **Statutory parent-time schedule** (In addition to the records and forms listed at the beginning of this form, attach Utah Code Section 30-3-35 or Section 30-3-35.5.)

OR

(C) **Other** (Describe the parent-time schedule you want.)

(4) **How to exchange children for parent-time.** Order exchange of the children for parent-time as we agree in the parenting plan. If there is no parenting plan or if we cannot agree on a parenting plan, order the following exchange procedure:
(Complete (a) or (b).)

(A) Curbside pick-up and drop-off by Petitioner Respondent at the following address:

OR

(B) Other (Describe the procedure you want to exchange the children.)

(5) **Child support.** The sole custody worksheet was used to calculate child support.

(A) Order Petitioner Respondent to pay \$_____ per month for our children. This amount conforms to the Uniform Child Support Guidelines, and it is reasonable and proper under Utah Code Title 78B, Chapter 12, Part 2. (Attach Child Support Obligation Worksheet.)

(B) Petitioner's base child support is \$_____ per month. Respondent's base child support is \$_____ per month. Except during parent-time, if the living arrangements of a child change from residing with the custodial parent to residing with the non-custodial parent, then the parent the child is not residing with must pay that parent's "base child support" to the parent the child is residing with without the need to modify the child support order.

(C) If approved by court order or written agreement signed by the parties, the base child support should be reduced on a monthly basis

(i) by 50% for each child who resides with the non-custodial parent for at least 25 of any 30 consecutive days; and

(ii) by 25% for each child who resides with the non-custodial parent for at least 12 of any 30 consecutive days.

Parent-time with the custodial parent should not be considered an interruption of the consecutive-day requirement for the non-custodial parent.

(D) The obligation should be effective immediately upon entry of the order and last until a final order is entered or until;

(i) a child becomes 18 years of age, or has graduated from high school during the child's normal year of graduation, whichever occurs later; or

(ii) a child dies, marries, becomes a member of the armed forces of the United States, or is emancipated under Utah law.

(E) (Check only if you are asking for child support for more than one child.) When a child no longer qualifies to receive child support, the base child support for the remaining children shall be automatically adjusted to the base child support in the table for that number of children using the appropriate calculation and worksheet under Utah Code Title 78B, Chapter 12, Part 2.

(Check (F) or (G), whichever is being requested. If requesting direct payments under (G) check the box that qualifies you for direct payments and attach evidence of your claim.)

(F) I request mandatory income withholding from the salary and wages of the non-custodial parent. Income withholding should apply to existing and future payors. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments should be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011. All administrative fees and costs of income withholding assessed by the Office of Recovery Services should be paid by the non-custodial parent. Child support should be due on or before the first day of each month and delinquent on the first day of the following month.

OR

(G) I request that child support should be paid directly to the custodial parent. The non-custodial parent has paid other court ordered support on time. (attach evidence of timely payments) Income withholding for this child support would not be in the children's best interest because:

In addition, the non-custodial parent: (Check the box or boxes that qualify you for direct payments and attach evidence of your claim.)

- and the custodial parent have signed the attached written agreement, which provides for a different payment arrangement;
- has obtained a bond, deposited money in trust for the children, or made other arrangements to guarantee child support payments for at least 2 months;
- has arranged to deposit all child support payments into an account belonging to me; (I will provide the information necessary for the other party to set up direct deposit through his or her employer. Upon receipt of the information, the other party should have his or her employer establish direct deposit to an account of my choice.)
- has made arrangements insuring that a reliable and independent record of the date and place of child support payments will be maintained; or
- has arranged for electronic transfer of funds on a regular basis.

Child support not paid on or before the due date should be delinquent on the day after the due date. Child support should be due:

- one-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.
- other (describe)

(H) The children are recipients of cash assistance from the state of Utah through the Temporary Aid to Needy Families (TANF) program or Family Employment Program (FEP). If a child receives cash assistance from the state of Utah through the TANF or FEP programs, any agreement by the parties to reduce child support under (5)(B) or (5)(C) should be approved by the Office of Recovery Services.

(I) Each party should notify the other within 10 days of any change in income.

(J) Child support arrearages should be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent should be intercepted by the state of Utah and applied to child support arrearages.

(6) **Child care expenses.** Order both parties to share equally the reasonable child care expenses related to the custodial parent's work or training. The parent who incurs child care expenses should provide to the other parent written verification of the child care provider's expense and identity:

- (A) upon initial engagement of the provider;
- (B) within 30 calendar days after a change in the provider or the expense; and
- (C) upon the request of the other parent.

If the parent incurring the expenses fails to comply with these provisions, the parent should be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses. Immediately after receiving written verification, the other parent should, on a monthly basis, reimburse the parent who incurred the child care expenses one-half of the amount.

(7) **Health insurance.** Order the Petitioner Respondent to maintain health insurance for our minor children. Both parties should share equally:

- (A) the cost of the premium paid by a parent for the children's portion of the insurance; and
- (B) all reasonable and necessary uninsured medical expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The children's portion of the premium should be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties. The parent ordered to maintain insurance should provide written verification of coverage to the other parent and the Office of Recovery Services:

- (D) upon initial enrollment of the children;
- (E) on or before January 2, of each calendar year; and
- (F) upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent

incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent within 30 days of payment, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses. The parent receiving written verification should reimburse the parent who incurred the medical expenses one-half of the amount within 30 days after receiving the written verification.

(8) **Alimony.** (Complete only if you are or were married to the other party.) I am or was married to the other party, and I request that the court order the

<input type="checkbox"/> Petitioner	to pay \$_____	<input type="checkbox"/> Respondent
<input type="checkbox"/> Respondent	each month for alimony to	<input type="checkbox"/> Petitioner

(9) **Attorney fees.** Order the other party to pay \$_____ to the lawyer retained by me.

(10) **Payment of bills and debts.** (Such as, mortgage or rent, credit cards, utilities, household expenses, tuition, medical expenses, car payments, etc.)

Order me to pay the following bills and debts:

Order the other party to pay the following bills and debts:

(11) **Possession of property.** Award each party possession of his or her essential personal belongings, and divide the following property needed for daily living as indicated. (List only major items, such as house, car, appliances, equipment, etc.)

I should have

The following essential personal belongings:

The following property needed for daily living:

The other party should have

The following essential personal belongings:

The following property needed for daily living:

Describe when, where and how each party should take possession of the property.

Petitioner:

Respondent:

I request that neither party be permitted to sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

(12) **Other.** I request that the court enter the following orders:

(13) Hearing.

- I request a hearing on this motion.
- I do not request a hearing on this motion.

(14) Expedited Hearing. I request a hearing on this motion as soon as possible because:

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Motion for Temporary Order is true and correct.

Date _____ Sign here ► _____
Typed or printed name _____

Certificate of Service

I certify that I served a copy of this Motion for Temporary Order AND ALL ATTACHED DOCUMENTS AND FORMS on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____