

# Overview of Temporary Orders in Dissolution, Separation, and Custody/Child Support Cases



A party to a dissolution, separation, or custody/support case may seek temporary orders to address emergency situations with children involved, to maintain the status quo regarding children's residence and schedules, and for other temporary relief. Each type of order is discussed below.

Temporary orders last until either the court makes a different order or until the General Judgment is entered in the underlying case. There is no separate fee to file a motion for temporary orders.

Courts handle each kind of temporary order differently. Court staff can give you information about how your motion will be handled.

*IMPORTANT: This is general information only. It is not legal advice. No form can cover all situations. It is important that you seek legal advice if your situation is complicated or dangerous. Court staff cannot give you legal advice including what to file, what you can ask the court to order, or what to put in your forms.*

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## Immediate Danger Orders

Immediate danger orders are meant to address only emergency situations with children involved. This generally means danger of physical harm that is likely to occur in the near future. It does not normally apply to things like the risk that a parent will leave the state with the child, enroll the child in an undesirable school, church, or camp, or to danger that is merely possible or may occur but not immediately. Status Quo Orders (below) may be more appropriate for those situations. Talk to a lawyer if you need more information about what "immediate danger" covers.

You can file for an "Immediate Danger Order" either before ("pre-judgment") or after ("post-judgment) you get a *General Judgment* in your case

If you file post-judgment:

- you will also need to file a motion to modify your judgment. That can be done before you file an *Immediate Danger* motion or at the same time.
- you must make a good faith effort to talk to the other parent about the reason for this motion and the time of your appearance

## Status Quo Orders

A Status Quo Order will order both parents to keep the children's residence and schedules the same as they have been for the 3 months before the *Motion* is filed. If there has been a major

change during the past 3 months like a move to a different house, change in schools, new or stopped after-school activities, or new daycare, you may not be able to get a Status Quo Order. Talk to a lawyer if you need more information about what “status quo” covers.

You can file for a “Status Quo Order” either before (“pre-judgment”) or after (“post-judgment”) you get a *General Judgment* in your case.

Pre-judgment Status Quo Orders are also called “Temporary Protective Orders of Restraint”

### *Other kinds of pre-judgment orders*

In addition to (or instead of) Immediate Danger and Status Quo Orders, you can also ask the court for a temporary award for:

- Lawsuit money to allow you to conduct this case. “Suit money” can be used to pay for a lawyer, filing and service fees, expert witnesses, or for support during the suit.
- Support (for you or your children)
- Restraint from molesting (harassing) or interfering with you or your children
- Removal of the other party from the family home
  - If your children live there, this can be ordered if the court finds that removal is in the best interest of the children
  - If you don’t have any children living in the home, this can be ordered if one party assaults or threatens to assault the other
- Restraint from encumbering or disposing of real or personal property
  - This means the restrained party cannot sell property or use it as collateral on a loan
  - Both parties are also subject to an automatic Statutory Restraining Order that limits both parties from selling, destroying, giving away, or encumbering property
- Possession and control of real or personal property and payment of liens (mortgages, home equity loans, etc.) associated with the property

These orders are only available pre-judgment. Either party may ask for temporary orders after (or at the same time as) a *Petition* is filed for dissolution, separation, or custody/child support.