SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE *"MOTION"* AND *"ORDER"* *"FOR TEMPORARY ORDER WITHOUT NOTICE"*

WRITE NEATLY. USE BLACK INK.

STEP 1: Complete the *"Motion for Temporary Order without Notice"*.

- Fill in the information requested about you at top, left, and the case caption. The names of the Petitioner and Respondent should be the same as on the Petition for Dissolution, Legal Separation, Annulment, Custody or Parenting Time.
- Check the box to say whether you are asking for anything ***other than or in addition to*** a ***"Temporary Order Without Notice For Custody",*** and write in your request.

Match the numbered instruction below to the matching number on the form.

1. Print your name as the person asking for the ***"Temporary Order Without Notice"***.
2. **REASONS WHY I NEED THIS ORDER.** Write in the reasons why you need this order. Explain the reasons in detail and be very specific. Use additional paper if necessary. Explain the emergency facts that now exist and what ***irreparable injury*** you fear could occur without this Order. An "irreparable injury" is one that cannot be "repaired", a serious or life-threatening injury or damage to you or the minor children that cannot be prevented or undone. If you have questions about whether you should request a temporary order without notice, see a lawyer for help.
3. **PEOPLE INVOLVED.** Write in the name of the mother, father, other people (such as legal guardians or others who claim custody or have possession of the minor children), the name(s) of the minor children and the minor children's ages.
4. **IMPORTANT! REQUIRED INFORMATION: YOU MUST CHECK ONE OF THE BOXES UNDER #4 TO INDICATE WHETHER YOU GAVE OR ATTEMPTED TO GIVE NOTICE OF THIS REQUEST** (Motion) **TO THE OTHER PARTY** (or parties)**, AND *EXPLAIN*.**

   IF YOU DID NOT GIVE *OR ATTEMPT TO GIVE* NOTICE OF THIS MOTION, YOU MUST EXPLAIN WHAT IRREPARABLE INJURY (SERIOUS OR LIFE-THREATENING INJURY OR DAMAGE TO YOU OR THE MINOR CHILDREN THAT CANNOT BE PREVENTED OR UNDONE) **WOULD RESULT FROM GIVING ADVANCE NOTICE OF THIS MOTION TO THE OTHER PARTY** (or parties)**.**

WARNING! Temporary Orders without Notice EXPIRE in a matter of a few days.
If the Court has not issued "regular" temporary orders WITH notice before these orders *without* notice expire, these orders will be void and no court order will exist.

5. **MOTION FOR TEMPORARY ORDERS.** Check the box to indicate that you have or will be filing for ***"Temporary Orders With Notice"*** *and* write in the date you filed or will be filing those papers, ***OR:***
   Check the (*other*) ***box to indicate that have not*** **– and that you understand the disadvantages and dangers of not having filed for "regular" Temporary Orders *with* Notice before going to court for Temporary Orders *without* Notice.**

Do not copy or file this page

©Superior Court of Arizona in Maricopa County
January 5, 2010
ALL RIGHTS RESERVED

6. **DIVORCE OR OTHER PETITION.** You **cannot** file this ***"Motion for Temporary Orders Without Notice"*** unless you ***or*** *the other party* has already filed (or you are *now* filing) a petition for divorce, legal separation, annulment, or other petition that includes custody. Check the box to show which petition was or will be filed, and write in the date the petition was or will be filed.

7. **INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE PARTIES OR THE MINOR CHILDREN.** Check the boxes that apply and then write in the information requested.

8. **OTHER COURT CASES INVOLVING EITHER OR BOTH PARTIES.** Describe all other court cases that involve either or both of the parties, whether pending or not, including criminal cases. Complete all the information for each court order. Use extra paper if necessary.

9. **ANY OTHER GOVERNMENT AGENCY INVOLVEMENT WITH EITHER OR BOTH THE PARTIES, OR CHILDREN.** State whether there have been or are any complaints with or investigations by any government agency, including Child Protective Services, involving the parties or the child(ren). If so, explain the agency, date, type of case, and status of case right now.

10. **CRIMES OF EITHER PARTY:** Explain here if either parent or people involved with this Petition have been charged with committing a dangerous crime including child molestation or domestic violence.

REQUESTS TO THE COURT:

1. Check the boxes that apply to request custody, or write in any other emergency orders that you think you need.

2. Then sign the document in front of a deputy clerk of court or a notary public. The clerk or notary public will date and sign the document too.

STEP 2: **Complete *only* the top portion of the *"TEMPORARY ORDER WITHOUT NOTICE"*:** Fill in the information in the case caption. This includes the name of the Petitioner, the Name of the Respondent, and the Case Number. The name of the Petitioner should be the same as the Name of the Petitioner in the Petition for Dissolution, or Legal Separation, or Annulment, or Custody or Parenting time. The ***"Temporary Order Without Notice"*** is the document the Judge will sign if he or she agrees that an order must be issued right away, without giving any advance notice to the other party. **THIS IS VERY RARE.**

A NOTE ABOUT NOTICE

The law requires advance notice of an action affecting one's rights concerning one's children unless there is a very good reason not to, such as fear of death or bodily harm to yourself or someone else.

The forms in this packet are to request temporary orders WITHOUT NOTICE, which means you are asking the Court to issue an order taking away someone's children without giving them advance notice or the opportunity to defend against or deny the accusations that caused the Court to issue the order.

This is a very serious matter. The Judge will not grant the *"Temporary Order Without Notice"* unless you have a very good reason that immediate and irreparable injury, loss, damage or death will result if you give notice to the other party.

Do not copy or file this page

©Superior Court of Arizona in Maricopa County
January 5, 2010
ALL RIGHTS RESERVED