

**YAVAPAI COUNTY**  
**Self-Service Center**

**INSTRUCTIONS: TEMPORARY ORDERS (POST-DECREE)**

***NOTE: GENERALLY, TEMPORARY ORDERS CANNOT BE ISSUED WITHOUT ALSO FILING FOR MODIFICATION OR ENFORCEMENT OF YOUR CURRENT ORDER.***

**TYPE OR PRINT IN BLACK INK**

**TYPES OF TEMPORARY ORDERS**

There are different types of Temporary Orders available while your post-decree case is pending:

**Temporary Orders with Advance Notice: Non-emergency situations** (Arizona Rules of Family Law Procedure, Rule 47)

Temporary orders are usually requested if one of the parties wants a court order in place while his/her case is pending. A temporary order may be enforced in court. Arizona law generally requires notice of a proceeding to be given to the other party so that s/he has an opportunity to present his or her side of the case.

- Legal Decision-Making
- Parenting Time

**Temporary Orders without Advance Notice: Emergency situations** (Arizona Rules of Family Law Procedure, Rule 48)

Arizona law generally requires notice of a proceeding to be given to the other party so that s/he has an opportunity to present his or her side of the case. When, however, an **emergency** exists such that irreparable injury, harm or damage may occur to a child, party or property, or despite your best efforts to give notice, you are unable to do so, advance notice **may** not be necessary for the temporary order to be issued. A hearing will then be set later at which the other party can appear.

**INFORMATION: All requests for Temporary Orders require the following forms to be completed:**

- Motion for Temporary Orders
- Petition for Order to Appear
- Order to Appear
- Temporary Order

**INSTRUCTIONS: MOTION FOR TEMPORARY ORDERS (POST-DECREE)**

Note: The letters and numbers of the instructions correspond to the letters and instructions on the forms.

- (A)-(C) Write in the information from your Petition or Response.
- (D) Check the box(es) in front of the type of temporary orders you are requesting.
- (E) An Expedited Process is available in certain situations. You will need to explain why your case should be expedited in another section of the form.
- (F) See Types of Temporary Orders above.
- (G) Mark this box if you are requesting Oral Argument before the court. It is up to the judicial officer whether or not to grant it.
- (H) Check either the Petitioner or Respondent box. Also check either the Legal Decision-Making and/or Parenting Time box.
- (1)-(3) No instructions needed.
- (4) This Court must have jurisdiction to hear your case, which means that either your current order was issued in Yavapai County or this Court has jurisdiction based on Arizona law. Consult with an attorney if you are unsure whether this Court has jurisdiction.
- (5) Mark the appropriate box. Note that unless an emergency exists, notice to the other party is required.
- (6) In certain situations, a case may be expedited. If you believe you have a reason for this to happen, mark this box and write in your reasons.
- (7) Mark the box(es) in front of the type of temporary orders you are requesting and why your request is in the best interest(s) of the child(ren).

#### **REQUESTS TO THE COURT.**

Mark the box(es) in front of the temporary orders you are requesting and write in the requested information.

#### **INSTRUCTIONS: PARENTING PLAN**

Complete the attached Proposed Parenting Plan if you are requesting temporary Legal Decision-Making or Parenting Time. Instructions are attached to the Plan.

#### **INSTRUCTIONS: TEMPORARY ORDER**

Write in all information requested above the gray NOTICE box and check the box(es) in front of the type of temporary orders you are asking for.

##### **COURT FINDS section**

Leave blank for the judicial officer to complete.

##### **COURT ORDERS section**

Leave blank for the judicial officer to complete.

#### **INSTRUCTIONS: PETITION FOR ORDER TO APPEAR**

- (A) Write in your information.
- (B)-(C) Complete using your case information.
- (1) Complete the Petitioner and Respondent information.
- (2) Check the box and write in the type of Petition you are filing with this Petition for Order to Appear. Write in any new facts that you believe will help convince the judicial officer that a hearing or conference is required in your case that are not included in the Petition you are filing with this Petition for Order to Appear.

- (3) Pre-Decree matters are those you have never gone to court over before. If you have gone to Court before, and are seeking to modify or enforce a current court order, mark the Post-Decree box.
- (4)-(9) No instructions needed.

**INSTRUCTIONS: ORDER TO APPEAR**

Write in all information requested above the gray READ ME box. The judicial officer will complete the rest of the form.

**THE FOLLOWING FORMS ARE ALSO REQUIRED IF TEMPORARY LEGAL DECISION-MAKING/PARENTING TIME IS REQUESTED:**

**INSTRUCTIONS: PARENTING PLAN**

Complete the attached Proposed Parenting Plan (available in the Self-Service Center) if you are requesting temporary Legal Decision-Making OR Parenting Time. Instructions are attached to the Plan.

**INSTRUCTIONS: PARENT'S WORKSHEET FOR CHILD SUPPORT AMOUNT**

Use the instructions from your Modification packets. The instructions are also available in the Self-Service Center.

**WHAT TO DO NEXT**

**Step 1:** Make copies of the following forms.

- |   |   |
|---|---|
| * Motion for Temporary Orders                 | 2 |
| * Petition for Order to Appear                | 2 |
| * Order to Appear                             | 2 |
| * Temporary Orders                            | 2 |
| * Parenting Plan                              | 2 |
| * Parent's Worksheet for Child Support Amount | 2 |

**Step 2:** File the papers at the Court:

**GO TO:** THE SUPERIOR COURT TO FILE YOUR PAPERS. The court is open from 8:00 a.m. – 5:00 p.m., Monday -Friday. **You should go to the court at least two hours before it closes. It is recommended that you not bring your children with you.** You may file your court papers at either of the following Superior Court locations:

Clerk of Superior Court  
YAVAPAI COUNTY COURTHOUSE  
120 S. Cortez Street  
Prescott AZ 86303-4737

Clerk of Superior Court  
Yavapai County Superior Court  
2840 N. Commonwealth Drive  
Camp Verde AZ 86322

**WHAT HAPPENS NEXT:**

**If you requested the Temporary Order be issued without advance notice:** After reading your Motion, the judicial officer will decide whether an emergency exists, in which case a hearing or conference will be set immediately. If the Temporary Order is issued, or if the judicial officer determines that the situation is not an emergency, a hearing or conference will be set so the opposing party can appear and present his/her side of the case. If the Temporary Order is issued without advance notice, copies of all documents, including the issued Order, must be served as soon as possible on the other party or counsel if represented. If a hearing is to be set first, copies of all filed documents must be served on the other party or counsel if represented.

**If you did not request the Temporary Order be issued without advance notice:** The judicial officer will review your Motion and issue an Order to Appear at a pretrial conference, Resolution Management Conference or evidentiary hearing. The Order to Appear contains instructions that you are required to follow.

**Step 3:** Serve the other party. A SERVICE PACKET is available in the Self-Service Center.

- \* Motion for Temporary Orders
- \* Petition for Order to Appear
- \* Order to Appear
- \* Legal Decision-Making/Parenting Time Plan
- \* Temporary Order (only if issued without advance notice)
- \* Financial/Parenting Plan documents referenced in the Order to Appear and the Arizona Rules of Family Law Procedure.

**Step 4:** Prepare for the Conference or Hearing.

**DISCLOSURE AND DISCOVERY.** Parties are generally required to exchange information and documents about the case. For more complete information, see Rules 47-65 and 91 of the Arizona Rules of Family Law Procedure (ARFLP). If your case proceeds to trial or hearing, the Self-Service Center has a PRETRIAL PACKET and WITNESS & EXHIBIT PACKET available.

***Self-represented persons are required to know and follow proper procedures, just like an attorney. The Arizona Rules of Family Law Procedure, which are found in the Law Library, contain the rules you are required to follow. No allowance is made for a person who does not understand or is unaware of things that must be done.***

**WARNING!** IF YOU IGNORE A COURT ORDER, FAIL TO ADEQUATELY PREPARE FOR A SCHEDULED CONFERENCE OR HEARING, OR FAIL TO ATTEND A CONFERENCE OR HEARING, THE JUDICIAL OFFICER MAY ORDER SANCTIONS AGAINST YOU, INCLUDING HOLDING YOU IN CONTEMPT OF COURT OR REQUIRING YOU TO PAY THE OTHER PARTY'S ATTORNEY FEES.

**IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE AMOUNT OF TIME, CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.**