

DIVORCE WITH CHILDREN

**GENERAL
INFORMATION**

Packet #1

SOUTHERN ARIZONA LEGAL AID, INC.

DIVORCE – GENERAL INFORMATION

USE AND DISCLAIMER

Court cases can be very complicated, and even if you are representing yourself, you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains court forms and instructions about deferral or waiver of court fees and costs. Be sure the documents are in the following order. Look at the lower right-hand corner of the document for the document description. Documents that end with “info” are instructions and/or general information. Documents that end with “form” are court forms that MUST be completed and filed with the court.

Title	Form Name
Divorce – General Information (1page)	dwcinfo-divorce.info
Use and Disclaimer (1 page)	dwcinfo-use and disclaimer.info
Preparing, Filing and Serving the Court Papers (1 page)	dwcinfo-preparing-filing-serving.info
Property and Debts (1page)	dwcinfo-property and debts.info
Spousal Maintenance (Alimony) (1 page)	dwcinfo-alimony.info
Child Custody and Parenting Time (3 pages)	dwcinfo-child custody and parenting time.info
Child Support (1 page)	dwcinfo-child support.info
Deferral or Wavier of Court Fees and Costs (1 page)	dwcinfo-deferral or waiver.info
The Step-by-Step Process (1 page)	dwcinfo-process.info
Temporary Orders (1 page)	dwcinfo-temporary orders.info

SOUTHERN ARIZONA LEGAL AID, INC.

DIVORCE

GENERAL INFORMATION

DIVORCE, LEGAL SEPARATION, ANNULMENT

Divorce is a court process to dissolve or end a legal marriage. All the legal rights and relationships between the spouses resulting from marriage end when the judge signs the divorce Decree. The divorce Decree will specify everything between the spouses like child custody, parenting time (visitation), child support, division of property and debts, spousal maintenance (alimony), and can even change the name of either party back to a former name.

Legal separation is a court process to determine some of the important rights and relationships between the spouses, but does not divorce them. The spouses are still married; however, many legal relationships such as property ownership and debt obligations are changed. The Decree for legal separation can specify various relationships between the spouses like child custody, parenting time, child support, and spousal maintenance (alimony) as well as a division of community property and debt up to the date of service of the Petition for Legal Separation, but all the legal rights and relationships resulting from marriage are not ended as with divorce.

Annulment is a court process to declare that the parties were never legally married to begin with, because at the time of the marriage something was so wrong that no legal relationship could be established by marriage. The annulment Decree will specify the legal reason why the marriage was void from the beginning, and will also specify how other issues such as division of property and debt and name change of either party are to be resolved.

In this packet we explain processes about divorce only, not about legal separation or annulment, although some of the processes are the same. If you are interested in a legal separation or annulment, you should get help from a lawyer.

REQUIREMENTS TO FILE FOR A DIVORCE

To file for a divorce in Arizona you must state under oath that you or your spouse have been **domiciled (lived) in Arizona** or been stationed as a member of the armed forces here **for at least 90 days** before you filed. If that is not true, DO NOT FILE until it becomes true.

Also, if you are asking the judge to decide matters about children, like custody, parenting time and support, you should generally have **resided here for 6 months with the children** before you file for divorce. The State of Arizona must be the children's primary place of residence, according to the legal definition of residence. If you are not sure if Arizona is the primary place of residence for your children, talk to a lawyer before you file for divorce.

Even though deciding what information to put in the divorce papers is often complicated, the process for many divorces in Arizona can be quite simple. **Arizona is a no-fault divorce state**, which means that you do not need to prove that your spouse did something which entitles you to a divorce. The only "grounds" that you have to allege in your divorce Petition is that the marriage is irretrievably broken.

Finally, there is a **minimum 60-day waiting period** from the time the other party is legally served with the divorce Petition until your divorce can be finalized.

PREPARING, FILING AND SERVING THE COURT PAPERS

1. To start a divorce **you must fill out a written Petition and other paperwork**. In the divorce Petition you will give the judge information about you, your spouse, your children, your property, your debts, and your need for spousal maintenance (alimony). You will tell the judge how you think issues should be resolved, such as child custody, parenting time and child support; who should keep what property; who should pay what debts; and, whether either spouse should pay spousal maintenance. When you fill out and file the Petition, you will also need to fill out and/or file the Summons, Preliminary Injunction, Affidavit Regarding Minor Children, Notice of Right to Convert Health Insurance, Order to Complete Course in Domestic Education on Children's Issues and Confidential Sensitive Data Form.
2. After ALL the paperwork is filled out, you must **go to Superior Court to file the Petition and related papers**. If a Deferral or Waiver of the Fees/Costs was not requested or approved, you will also have to pay the filing fee at this time. All documents in a divorce case must be filed in the **Office of the Clerk of the Court, Pima County Superior Court, 110 West Congress St., Tucson, AZ**. Court is open from 8:00 a.m. - 9:00 p.m., Monday through Friday (except for legal holidays). Be sure to get to the court at least an hour before closing to file the papers as it takes time to process the papers.
3. After you file, **you must have the Petition and related papers served on your spouse** to give him/her notice about the lawsuit. There are several ways to serve papers. These are: by acceptance, by process server, by sheriff, by mail, or, as a last resort, by publication if you have tried very hard but you cannot find your spouse. Service by publication may not get all of the orders you want. Each method of service has special requirements that you need to know before you try to use that type of service. Instructions about each type of service are in the packet entitled **"Service of Papers on the Other Party."**

THE RESPONSE

After the Petition and related papers are served on your spouse, he or she can file a written Response. Only a written Response is acceptable, and it must be filed within time limits set by law. The other party has 20 days to file the Response if he or she was served in Arizona and 30 days if served outside Arizona.

NO RESPONSE = DEFAULT

If you have filed and properly served your spouse with the divorce Petition and related papers, you need to count the days **after service was completed** to see if your spouse files a written Response within the time limits set by law.

If your spouse does not file a written Response within the 20 or 30 day periods, you may get your divorce through a process called **Default**. This generally means that the other party is not "contesting" the divorce itself or anything else you asked for in your divorce Petition.

To obtain a Default, you must file an **Application and Affidavit for Entry of Default**. You take this paperwork to the Clerk of the Court and the clerk will sign the Application and enter the Default. You must then send a copy of this paperwork to your spouse. Your spouse then has 10 more business days (about 2 weeks) after getting this paperwork to file a written Response to your Petition. If your spouse still does not file a written Response, the Default is complete and the divorce is almost over.

The final step is to get your Decree and related paperwork signed by the judge. This is usually done at a Default hearing. All of the forms and instructions for completing your divorce by Default are located in the packet entitled **"Obtaining a Default."**

PROPERTY AND DEBTS

GENERAL

Arizona is a **community property** state. This means any property you and your spouse acquired during the marriage or that was paid for during the marriage is community property and belongs to the both of you. Likewise, debt that was incurred during the marriage for the benefit of the community is generally considered to be community debt.

When either spouse obtains a divorce, all the community property and community debt must be divided, so each spouse is given a certain amount of the property, and a certain amount of the debt. In a divorce, each spouse is usually entitled to roughly one-half of the community property and required to pay one-half of the debts. It usually does not matter who paid for the property directly, whose credit it was purchased under, or who uses the property most of the time. Also, it really doesn't matter whose name is on a title or deed to the property.

However, property that was received as a gift by a spouse, or that was an inheritance of a spouse, is not generally community property, it is that party's **separate property**. Also, property that either spouse bought or acquired or paid for before the marriage is generally not community property, it is that party's **separate property**.

PENSIONS AND RETIREMENT FUNDS

Community property also applies to pensions and retirement funds and profit sharing and stock plans. Generally each spouse has a right to a one-half interest in the other spouse's plan, but **ONLY** for the number of years of the marriage. The longer your marriage, the greater your financial interest is in each other's plan. If you or your spouse have retirement plans, you will need to file a document with the court that is called a "Qualified Domestic Relations Order", or "QDRO" to divide the plan. This is a very specialized legal document that almost always requires professional assistance to prepare.

OTHER TIPS

Sometimes a divorce can take a long time and decisions on property and debts need to be made right away. A **temporary order** may be needed to return personal property to one of the parties or to a child, or to prevent one of the parties from disposing of property, taking out a loan, or to stop one of the spouses from canceling insurance. A temporary order, which can be requested by either spouse at any time until the divorce is final, will spell out all the rights and obligations of the spouses until the divorce is final.

Community property and debt can be very technical and complex subjects. If you own a home or property that is worth a significant amount of money, or if you or your spouse or your employers contributed to an IRA pension or retirement plan while you were married, you should ask a lawyer for help before you file or respond to a divorce petition.

SPOUSAL MAINTENANCE (ALIMONY)

GENERAL

Spousal maintenance is a term that means the same as the more commonly used term, alimony. Spousal maintenance refers to the money that is paid by one spouse to the other as part of the divorce Decree for the receiving spouse's support. The payment is designed to be a safety net for a spouse who cannot provide for his or her needs or who meets certain other requirements under the law. The idea behind spousal maintenance is that the accomplishments of the spouses during the marriage, including increases in earning potential and living standards, are shared and earned by BOTH spouses, not just the spouse who gets a paycheck or has a job.

Spousal maintenance is paid separately from child support and is not a substitute for or a supplement to child support payments.

WHEN AND HOW SPOUSAL MAINTENANCE IS ORDERED

When spousal maintenance is requested, the judge will consider the length of the marriage, the age and earning ability of the spouse who is asking for maintenance, the standard of living the parties enjoyed during the marriage, the ability of the other spouse to pay, and what the person who is asking for the maintenance contributed to the marriage. There is a list of the criteria on the **Petition for Dissolution of Marriage** that you will be filing. Check this list to see if these apply to your situation.

Generally an order for spousal maintenance is for a specific time while the spouse who is receiving support prepares to become financially able to live without the payments. Spousal maintenance payments are taxable income to the receiving spouse, and tax deductible by the paying spouse. Spousal maintenance usually ends when the spouse who receives the support remarries, dies, or when the amount of time ordered to pay the support is over.

The amount of a spousal maintenance payment is determined by what the judge considers to be a reasonable deduction from the monthly income of the paying spouse and a reasonable monthly payment to the receiving spouse. Not every divorce case involves spousal maintenance. Generally, you cannot petition the court for an award of spousal maintenance after the divorce is final. You should talk to a lawyer about whether you have good legal reasons to request spousal maintenance before you file a petition for divorce.

PAYING SPOUSAL MAINTENANCE

Spousal maintenance payments may be ordered to be made directly to the receiving spouse or through a wage assignment from the paying spouse's paycheck. This means that the court's order may direct the employer of the spouse to deduct the amount of spousal maintenance directly from the paying spouse's paycheck. The employer then sends this money to The Support Payment Clearinghouse. The Clearinghouse records the payment and sends the money to the spouse who is entitled to receive the spousal maintenance payment. If ordered, self-employed or unemployed spouses must also make their spousal maintenance payments directly to the Clearinghouse.

CHILD CUSTODY AND PARENTING TIME

A.R.S. § 25-402 defines custody as follows:

1. **"Joint Custody"** means joint legal custody or joint physical custody, or both.
2. **"Joint Legal Custody"** means the condition under which both parents share legal custody and neither parent's rights are superior, except with respect to specified decisions as set forth by the court or the parents in the final judgment or order.
3. **"Joint Physical Custody"** means the condition under which the physical residence of the child is shared by the parents in a manner that assures that the child has substantially equal time and contact with both parents.
4. **"Sole Custody"** means the condition under which one person has legal custody.
5. **"Parenting Time"** means the condition under which a parent has the right to have a child physically placed with the parent and the right and responsibility to make, during that placement, routine daily decisions regarding the child's care consistent with the major decisions made by the person having legal custody.

A written custody proposal should pay attention to the cooperative sharing of physical care responsibilities. It should reflect what the parents are currently doing or what they actually plan to do and it should reflect a commitment to the children's needs as predominant. The sharing of physical care responsibilities should not avoid or cover up disagreement by the parents on one or more issues.

A.R.S. § 25-403 provides that in making any custody determination, the court shall always consider the best interests of the child. In making this decision, the court shall also consider:

- The wishes of the child's parent or parents as to custody.
- The wishes of the child as to the custodian.
- The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interests.
- The child's adjustment to home, school and community.
- The mental and physical health of all individuals involved.
- Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.
- If one parent, both parents or neither parent has provided primary care of the child.
- The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.
- Whether a parent has attended the Domestic Relations Education Course on Children's Issues (Parent Information Program), pursuant to A.R.S. § 25-352.

In making a determination as to whether to award joint custody the court shall also consider:

- The agreement or lack of an agreement regarding joint custody.
- A parent's lack of agreement is unreasonable or is influenced by an issue not related to the best interests of the child.
- The past, present and future abilities of the parents to cooperate in decision-making about the child to the extent required by the order of joint custody.
- Whether the joint custody arrangement is logistically possible.

PARENTS PLEASE NOTE:

1. **Child Support** - an award of joint custody does not diminish the responsibility of either parent to provide for the support of the child. This means that even in a joint physical custody situation where there is substantially equal time and contact with both parents there may still be an obligation for one parent to pay child support to the other parent if their incomes are substantially different. (A.R.S. 25-320 – or see Child Support Guidelines)
2. **Domestic Violence** – the court considers evidence of domestic violence as contrary to the best interests of the child and that factor will be heavily weighed in deciding which parent is to get custody of the children. Joint custody is generally not awarded in situations where there has been a history of domestic violence.
3. **Criminal offenses** - if the court determines that a parent seeking custody has been convicted of **any drug offense** (under A.R.S. Title 13 Chap. 34) or a **DUI** (under A.R.S. § 28-1381, 28-1382 or 28-1383) within 12 months before the petition or request for custody, there is a rebuttable presumption that sole or joint custody of the child by that person is contrary to the best interests of the child.
4. **Parenting Plan** - before an award of joint custody is made, the parents shall submit a proposed Parenting Plan that includes:

The geographical location of the parents: Where do parents live relative to one another? What are their addresses? Permanent or temporary?

Arrangements regarding the residential requirements of the children: How much time will the child spend with each parent? Be as specific as possible, including days and times.

Arrangements for holidays and vacations: What are your plans for summer vacation and school breaks? List specific details including dates and times.

Arrangements for education: How will decisions be made for educational matters? For example, if preschool age, what school will the child attend? If private school, who pays what?

Determinations regarding children's health care: For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?

Arrangements regarding extraordinary expenses: For example, what financial arrangements are made for the children (such as each sharing extraordinary expenditures and the parent with whom the child resides bearing the ordinary ones during the child's residency)? A fixed amount per month?

Arrangements for children's religious training, if any: For example, how will decisions be made for religious training? What, if any, are the plans for religious training?

Agreement and arrangements regarding children's activities: How will decisions be made about the child's participation in activities such as music lessons, sports/activities' fees, camp or Scouts? Will any additional transportation arrangements be needed? Who will make the arrangements and what will be the responsibility of each parent regarding such transportation arrangements.

Changes or Revisions: If major changes arise, such as moving or remarriage, and the present child care arrangements are no longer feasible, the parents shall agree to renegotiate the terms of the plan with the aid of a Conciliation Services counselor or independent mediator prior to any court actions being considered.

Periodic Review of the Plan: A procedure for periodic review of the joint custody plan (e.g., parents agree to review the terms of the agreement every)

Other: a statement that parents understand that joint custody does not necessarily mean equal parenting time.

PARENTING TIME

Parenting Time (visitation) is ordered so that the parent who does not have primary custody of the child can still see the child. The court will order reasonable parenting time according to the age of the child, but the amount of parenting time can vary by agreement between the parents.

The judge will decide what is in **the best interest of the child** when deciding what kind of parenting time to order. Often this is complicated, and you might need legal or other professional help to understand your rights, duties, and responsibilities as to custody and parenting time as well as what may be in your children's best interests.

TYPES OF PARENTING TIME ARRANGEMENTS

Reasonable Parenting Time - generally the courts will allow the parents to work out and agree upon a parenting time plan. This plan must be "reasonable, " and should be written into a Parenting Plan. A Parenting Plan is a document that the court can include in your divorce Decree that specifically lists the parenting time that the parents have agreed to or, if they have not agreed, that the court will order. Beware of simply listing "reasonable parenting time " in the divorce Decree. What is "reasonable" to one parent may not be "reasonable" to the other parent, and this may cause disagreements later. The court will prefer that you specifically designate parenting time.

Supervised Parenting Time - This means that the non-custodial parent only has parenting time with another person present. Supervised parenting time may be ordered in cases where the non-custodial parent abuses drugs or alcohol, is violent or abusive, or does not have the parenting skills to care for the child without another adult present. Supervised parenting time is not intended to punish the parent, but to protect the child. There may be a charge for the service if parenting time is supervised by the Judicial Supervisor Program.

No Parenting Time - The court does not generally allow a custodial parent to totally prevent the other parent from seeing the child on a regular basis. The only time no parenting time is appropriate is if the non-custodial parent has seriously harmed or abused the child, or is otherwise a serious danger to the child's emotional and/or physical health, or if there is a court order saying that the parent shall not see the child. An order of no contact by a parent is a last resort, and is used solely to protect the child.

MORE HELP

Please see the packet entitled "Custody and Parenting Time" for more information and forms.

You can read the "**Pima County Access Guidelines**" and the "**Model Parenting Time Plans**", adopted by Pima County to learn more about this subject and what the judge might consider appropriate in your case. You can find a copy of the "**Pima County Access Guidelines**" at http://www.sc.pima.gov/domestic/Visitation_Guidelines.htm. A copy of the "**Model Parenting Time Plans**" will be provided to you at the "Domestic Relations Education on Children's Issues" class. If you use the "**Pima County Access Guidelines**" and/or the "**Model Parenting Time Plans**" and develop a Parenting Plan you may be able to agree on a parenting time arrangement that is best for the children and the parents, without the delay and expense of a contested court trial. Parenting plan form is available in the packet entitled "**Custody/Parenting Time**".

Additionally, the Pima County Superior Court provides free mediation services through the Conciliation Court that can also help you develop a Parenting Plan. See the packet entitled "**Mediation**".

CHILD SUPPORT

Child support refers to payments made by one parent to the other parent for the needs of the child. The receiving parent does not have to account to the paying parent for how he or she spends the child support money.

Child support orders apply to any child under the age of 18, or to a child who is still attending high school or an equivalency program. If the child is attending high school or an equivalency program child support may continue until age 19. Also, if a child is mentally or physically handicapped, the judge may order that support payments continue indefinitely, past the age of 18.

The amount of child support is **determined by combining the incomes of both parents**. The income used is gross income, in other words, it is the income before any taxes or other withholdings. There are **Child Support Guidelines** to determine child support that the judge will follow. The Guidelines also give the paying or non-custodial parent some limited credit for times that he or she spends with the child(ren). These Guidelines list other factors involved in determining support, and include a chart to determine the amount of support.

You should read the Child Support Guidelines as soon as you can, to understand how child support might be ordered in your case. A copy of the Child Support Guidelines and a "calculator" for determining child support are available on the Arizona Supreme Court website at www.supreme.state.az.us. Child support does not have to be computed until near the end of the divorce process; however, the court may order that child support payments be made retroactive to the date of service of the divorce Petition.

Child support must be paid in money -- not in clothes or gifts -- and it must be paid through **The Support Payment Clearinghouse**, PO Box 52107, Phoenix, Arizona 85072-2107. The paying parent cannot pay the money directly to the custodial parent. In most cases, child support payments ordered are to be made through a wage assignment from the paying parent's paycheck. This means that the court's order directs the employer of the paying parent to deduct the amount of child support directly from the paycheck, and then the employer sends this money to The Support Payment Clearinghouse. The Clearinghouse then records the payment and sends the money to the parent who is entitled to receive the child support payment. Self-employed or unemployed parents must also make child support payments directly to The Clearinghouse.

MEDICAL INSURANCE

Medical insurance is considered part of child support. If the parent who is ordered to make the child support payment is the same parent who pays the children's medical insurance premium, the child support amount is usually lowered to account for the cost of the medical insurance. Similarly, if the parent who receives the child support payment is the same parent who pays the children's medical insurance premium, the child support amount is usually raised.

OTHER INFORMATION

A temporary child support order can be entered before the divorce is final, to help with financial needs of the child during the time it takes to get the divorce. Child support payments that are ordered when the family receives Temporary Assistance to Needy Families (TANF) are processed through The Support Payment Clearinghouse. Receipt of TANF does not relieve or lessen the responsibility of the paying parent to pay court ordered child support in full and on time. If you are receiving cash assistance, DES may be entitled to keep a portion of your child support. You should check with DES regarding payment.

See packet entitled "**CHILD SUPPORT**" for further information and necessary forms.

DEFERRAL OR WAIVER OF COURT FEES AND COSTS

FEES IN GENERAL

By Arizona law the court is required to charge **fees** to file some of the papers related to domestic relations cases. Here are some of the common fees (as of September 2004):

- To file a Petition for Dissolution of Marriage With Children (Divorce) – **\$ 216**
- To file a Response to the Petition for Dissolution of Marriage With Children – **\$ 171**
- To file petitions for "post-decree" matters such as child support modification – **\$ 61**
- Copying charges, per page – **\$ 0.50**

If the person filing the papers cannot afford the payment when filing the papers, the court may order a deferral of the fees. If the person filing the papers is permanently unable to pay these fees, the court may order a full waiver of the fees.

COSTS IN GENERAL

There are several **costs** associated with filing a divorce action, which also may be deferred or waived. These include the cost for the mandatory course in "Domestic Relations Education on Children's Issues," which is currently **\$27**. There may also be publishing costs if you must serve your spouse by publication in Pima County, and the cost of having the Sheriff or a private process server serve the papers on your spouse.

HOW TO GET A DEFERRAL OR WAIVER

All forms and instructions you will need to make your initial request for a deferral or waiver are included in the packet entitled "**Waiver/Deferral of Fees/Costs.**"

THE STEP-BY-STEP PROCESS

Obtaining a divorce is a step-by-step process, and you generally must **follow the steps** in the **correct order** and **at the right time**. We have broken down this process and made separate “packets” containing the forms and instructions for each step. Here are the packets for each step and the approximate time that you must accomplish each step:

1. **Deferral/ Waiver of Fees/Costs** - Prepare and file these papers **immediately** with the original copy of the **Petition**. It generally takes about 5 days to get the deferral or waiver approved.
2. **Petition** - Once the waiver or deferral has been approved, file the **Petition** and all related papers with the Clerk.
3. **Service of Papers on the Other Party** - This will be done **immediately after you have filed your Petition** and may take from 1-2 days to up to several months, depending where the other party lives and whether he or she is evading service.
4. **Obtaining a Default** - If the other party does not contest any part of the divorce Petition and does not file a written Response, you can file the papers to request Default be entered against the other party **20 calendar days after the other party was served with the papers in Arizona**. If the party was served with the papers outside the State of Arizona, you must wait 30 calendar days to apply for the Default.
5. **Disclosure**: If the other party does file a written Response with the Court, you are required to exchange certain information about your case with the other party within 40 days of the date the Response was filed; this is called **Disclosure**. If you do not comply with the disclosure requirements, the Court can issue sanctions against you. See the packet entitled “**Disclosure**” for more information.
6. **Mediation**- You can ask for Mediation services **at any time**, but this is generally done **if the other party files a written Response**.
7. **Child Support** - These papers deal with the issues relating to the children and need to support.
8. **Custody/Parenting Time** - These papers deal with custody and provide a form on which to complete the parenting plan.
9. **Decree** - The earliest you can get your Decree signed by a judge is **61 days after the other party was served** with the Petition.

TEMPORARY ORDERS

GENERAL

Temporary orders are orders the judge may enter in your case while you are waiting to finalize the divorce. Either party can file for temporary orders. Temporary orders are short-term decisions by the judge about child support, child custody, parenting time, spousal maintenance (alimony), property, and payment of debts, until a final court order on the case.

To file for temporary orders you need a special form called a Motion for Temporary Orders, and some other documents. You also may need to get a hearing date scheduled for the judge to decide about the temporary order Motion. Instructions about how to do this are in the packet entitled "**Temporary Orders.**"

FILING THE PAPERWORK

You can file the papers for temporary orders at the same time you file for divorce. If you are requesting a hearing for temporary orders, you can get the hearing date set for the temporary orders while you are at the court filing and then be sure these papers regarding the temporary orders are served on your spouse along with the divorce papers. If you file for temporary orders at some other time, then you must be sure you serve the papers on your spouse.

The forms and instructions about the forms and how to get the hearing date are in the packet entitled "**Temporary Orders.**"