

1 **Rule 109. Automatic injunction in certain domestic relations cases.**

2 **(a) Actions in which an automatic domestic injunction enters.** In an action for divorce,
3 annulment, temporary separation, custody, parent time, support, or paternity, an injunction automatically
4 enters when the initial petition is filed. The injunction contains the applicable provisions of this rule.

5 **(b) General provisions.**

6 (b)(1) If the action concerns the division of property then neither party may transfer, encumber,
7 conceal, or dispose of any property of either party without the written consent of the other party or an
8 order of the court, except in the usual course of business or to provide for the necessities of life.

9 (b)(2) Neither party may disturb the peace of or harass the other party.

10 (b)(3) Neither party may commit domestic violence or abuse against the other party or a child.

11 (b)(4) Neither party may use the other party's name, likeness, image, or identification to obtain
12 credit, open an account for service, or obtain a service.

13 (b)(5) Neither party may cancel or interfere with telephone, utility, or other services used by the
14 other party.

15 (b)(6) Neither party may cancel, modify, terminate, change the beneficiary, or allow to lapse for
16 voluntary nonpayment of premiums, any policy of health insurance, homeowner's or renter's
17 insurance, automobile insurance, or life insurance without the written consent of the other party or
18 pursuant to further order of the court.

19 **(c) Provisions regarding a minor child.** The following provisions apply when a minor child is a
20 subject of the petition.

21 (c)(1) Neither party may engage in non-routine travel with the child without the written consent of
22 the other party or an order of the court unless the following information has been provided to the other
23 party:

24 (c)(1)(A) an itinerary of travel dates and destinations;

25 (c)(1)(B) how to contact the child or traveling party; and

26 (c)(1)(C) the name and telephone number of an available third person who will know the
27 child's location.

28 (c)(2) Neither party may do the following in the presence or hearing of the child:

29 (c)(2)(A) demean or disparage the other party;

30 (c)(2)(B) attempt to influence a child's preference regarding custody or parent time; or

31 (c)(2)(C) say or do anything that would tend to diminish the love and affection of the child for
32 the other party, or involve the child in the issues of the petition.

33 (c)(3) Neither party may make parent time arrangements through the child.

34 (c)(4) When the child is under the party's care, the party has a duty to use best efforts to prevent
35 third parties from doing what the parties are prohibited from doing under this order or the party must
36 remove the child from those third parties.

37 **(d) When the injunction is binding.** The injunction is binding

38 (d)(1) on the petitioner upon filing the initial petition; and

39 (d)(2) on the respondent after filing of the initial petition and upon receipt of a signed copy of the
40 injunction.

41 (e) **When the injunction terminates.** The injunction remains in effect until the final decree is entered,
42 the petition is dismissed, the parties otherwise agree in a writing signed by all parties, or further order of
43 the court.

44 (f) **Modifying or dissolving the injunction.** A party may move to modify or dissolve the injunction.

45 (f)(1) Prior to a responsive pleading being filed, the court shall determine a motion to modify or
46 dissolve the injunction as expeditiously as possible. The moving party must serve the nonmoving
47 party at least 48 hours before a hearing.

48 (f)(2) After a responsive pleading is filed, a motion to modify or to dissolve the injunction is
49 governed by Rule 7 or Rule 101, as applicable.

50 (g) **Separate conflicting order.** Any separate order governing the parties or their minor children will
51 control over conflicting provisions of this injunction.

52 (h) **Applicability.** This rule applies to all parties other than the Office of Recovery Services.