

Checklist for Responding to a Motion for Temporary Order

- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Check with your court about local requirements.

(1) Motion for Temporary Order

Opposing the other party's Motion for a Temporary Order is not the same as asking for a Temporary Order yourself. If you want the court to order child custody, parent-time, child support, child care expenses, health insurance, alimony, attorney fees, payment of bills and debts, or possession of property, and the other party has not raised the issue in his or her Motion for Temporary Order, you must file a Motion asking for those things. See the applicant's checklist and the website for more information about filing a Motion for Temporary Order.

(2) Stipulation or Opposition?

- Decide whether you agree with the Motion filed by the other party.
- If you agree with the Motion, work with the other party to complete and file a Stipulation.
- If you decide that you oppose the Motion (or some part of it) complete and file a Statement Opposing the Motion and its supporting documents.

(3) Stipulation

If you and the other party agree about the Motion, work with the other party to complete and file the Stipulation.

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Check the correct box to show that the court is the district court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.

- Paragraph (1): Print the name of the motion on the blank line. If you understand and agree with Paragraph (1), check the box.
- Paragraph (2): If you understand and agree with Paragraph (2), check the box.
- Paragraph (3): If you understand and agree with Paragraph (3), check the box.
- Attach any required documents and forms.
- Date and sign the form.
- Send the original form and attachments to the other party to attach to and file with the motion.

(4) Statement Opposing the Motion for Temporary Order

- In Judicial Districts 1, 2, 3, and 4, you must file and serve your Statement Opposing the Motion for Temporary Order and attachments no later than 7 days before the hearing with the court commissioner.
- In Judicial Districts 5, 6, 7, and 8, you must file and serve your Statement Opposing the Motion for Temporary Order and attachments no later than 14 days after the Motion for Temporary Order was served on you.
- Write your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the Petition.
- Write the paragraph number from the Statement Supporting Motion for Temporary that you disagree with. Copy the statement that you disagree with. Explain why you disagree with the statement.
- Date and sign the form.
- Attach the supporting documents and forms.
- Complete the Certificate of Service. You can complete just one Certificate of Service for all of the documents and forms mentioned in the Opposing Statement, but you must serve all of the documents and forms on the other party, not just the Opposing Statement.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the form and attachments with the court clerk.

(5) Financial Declaration

See our webpage on [Financial Declarations](#) for information forms and instructions on how to complete and file a Financial Declaration.

(6) Other Attachments

- If you want the court to consider your Parenting Plan or any other document, you must attach them to the Statement Opposing the Motion for Temporary Order.
- File and serve the attachments with the Statement Opposing the Motion for Temporary.

(7) Request to Submit for Decision

- In Judicial Districts 1, 2, 3, and 4, the Motion for Temporary Order is set for a hearing before a court commissioner when the motion is filed. There is no need to file a Request to Submit for Decision.
- In Judicial Districts 5, 6, 7, and 8, the judge will not decide the Motion until you tell the court that the Opposing Statement and Reply Statement have been filed (or the time for filing has passed). Either party may file a Request, but someone must do so.
- If the parties stipulate to the motion, file the Request to Submit for Decision with the Motion, Stipulation and proposed Order.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Check the correct box to show that the court is the District Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- If you want to ask for a hearing, check the box next to "hearing requested." If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (1): Print the name of the motion to be submitted for decision and the date the motion was served on the other party.
- Paragraphs (2) - (4): Check the correct boxes and print the dates to show which documents have been filed and served.
- Paragraph (5): Check the correct box to show whether you request a hearing.
- Date and sign the form.
- Attach the required documents.
- Complete the Certificate of Service.

- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and certificate of service with the judicial services representative.

(8) Notice of Hearing

- In Judicial Districts 1, 2, 3, and 4, the party filing the Motion for Temporary Order should complete the Notice of Hearing.
- In Judicial Districts 5, 6, 7, and 8, complete the Notice of Hearing only if you request a hearing, and the other party has not already scheduled a hearing. If you have requested a hearing, call the judge's judicial assistant to find out whether your request has been granted. Schedule the hearing with the assistant and complete this form. Select a date that is convenient for you, the other party and the court. Otherwise, do not file this form.
- Print your name and contact information at the top of the first page.
- Check the correct box to show that the court is the district court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- Identify Petitioner and Respondent by name and address.
- Print the name of the motion on the blank line. Print the date and time of the hearing. Print also the judge's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

(9) Attend the Hearing

If there is a hearing, be sure to attend.

(10) Order on Motion for Temporary Order

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the Petition.

- If the parties stipulate to the Motion, or if the other party defaults on the Motion, complete the rest of the Order so that it agrees with the Motion.
- If the Motion is not stipulated and not granted by default, do not complete the rest of the document unless you are told to do so. Either the judge or commissioner will complete the rest of the document or tell one of the parties to do so.
- Attach any required documents or forms.
- If there is a hearing, the judge or commissioner will decide the issues and will tell one of the parties to prepare the Order. Listen carefully to the judge's or commissioner's decision. The Order must agree with that decision, and you may have to prepare them.
- If you are told to prepare the Order, complete all of them except the judge's or commissioner's signature. What you write in the Order must agree with what the judge or commissioner decided.
- Date and sign the proposed Order under the phrase: "approved as to form."
- Within 21 days after being told to prepare the documents, serve them on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- The other party has 7 days in which to object.
- File the proposed Order and the Certificate of Service with the judicial services representative.

(11) Notice of Order

If you prepared the Order, or if the judge or commissioner says you have to serve the signed Order:

- Print your name and contact information at the top of the Notice of Order. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Check the correct box to show that the court is the District Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the Certificate of Service. [URCP 5](#) governs service.

- File the original form and attachments with the judicial services representative.