

Law Library Resource Center

Instructions: How to fill out the forms for a post-decree temporary modification order without notice

Write neatly. Use black ink.

Step 1: Complete the Motion for Temporary Modification Order without Notice.

- Fill in the information about you in the top left corner. Fill in the information in the case caption. This includes the name of the Petitioner/Party A, the Name of the Respondent/Party B, and the Case Number. The name of the Petitioner/Party A should be the same as the Name of the Petitioner/Party A in the Order you are trying to modify.
- Check the box to indicate whether you are asking for a temporary modification without notice concerning legal decision-making and/or parenting time (“visitation”). If you are asking for anything other than legal decision-making and/or parenting time, check the box for “Other,” 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 Modification 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 children that cannot be prevented or undone.

If you have questions about whether you should request a temporary modification order without notice, see a lawyer for help.

3. People involved. Write in the name of the legal parents, other people (such as legal guardians or others who claim custody or have possession of the children), the name(s) of the children and the 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 would result from giving advance notice of this motion to the other party (or parties).

5. Motion for Temporary Modification Orders without Notice. You cannot file this Motion for Temporary Modification Orders without Notice unless you have filed, or will at the same time file a regular Petition for modification of the same orders you request in the temporary orders without notice. Place a mark in the box to show whether you will file the regular Petition to Modify before you file the Motion for Temporary Orders or at the same time.
6. Information about other emergency cases involving the parties or the children. Check the boxes that apply and then write in the information requested.
7. 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.
8. 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 Department of Child Services (DCS), involving the parties or the child(ren). If so, explain the agency, date, type of case, and status of case right now.
9. Crimes of either party: Explain here if either parent or people involved with this Motion 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 modification of legal decision-making and/or parenting time. 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 also date and sign the document.

Step 2: Complete only the top portion of the Temporary Modification Order without Notice: Fill in the information in the case caption. This includes the name of the Petitioner/Party A, the Name of the Respondent/Party B, and the Case Number. The name of Party A should be the same as the Name of the Petitioner/Party A in the Order you are trying to modify. The Temporary Modification 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.

Step 3: When you have completed both the Motion and Order, follow the instructions in the “Procedures” page (DRMCE11p).

A note about notice

The law requires advance notice of an action affecting one’s rights concerning one’s children unless you have 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 a change in court 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 Modification 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.