

Law Library Resource Center

Procedures: Motion for temporary orders without notice

- ◆ You must not file a Motion for Temporary Order without Notice solely to get an earlier court hearing, or to harass the other party or the court, or to cause unnecessary delay of court proceedings.
- ◆ If the Judge finds that you filed this motion without a very good legal reason, the Judge may:
 - Find you in contempt of court;
 - Order payment of money to the court or to the other party for costs or damages resulting from the wrongful filing of this motion, or
 - Order other consequences.
- ◆ If you filed a Motion for Temporary Order without Notice at one Superior Court location, and a Judge or Commissioner denied your request, you may not file again at another court location. If you have questions, you should see a lawyer for help.

- Before you can file papers for temporary orders one of the parties (either one) must file papers for divorce, legal separation or annulment, or to establish legal decision making (custody) or legal decision making along with paternity, visitation, or support.
- Temporary Orders without notice expire in a matter of days. Have you already filed for temporary orders with notice?
If not, consider that:
 - If a pre-decree temporary order without notice expires without a “regular” temporary order in place, there is no court order;
 - There is no additional fee for filing for temporary orders with notice if you have already paid a fee to file or respond to the petition (including filing for temporary orders without notice).

Steps to Request Temporary Orders without Notice

- Step 1: Complete the Motion for Temporary Orders without Notice.
- Step 2: Make copies of all the paperwork. Make 3 copies of Motion and Order forms. Assemble the copies so that you have 4 sets of papers: One set of originals and 3 sets of the copies.

Step 3: File the papers at the court. Take the original and 3 sets of copies to the Clerk of Superior Court filing counter.

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

Step 4: What the Clerk will do: The Clerk will file the original of the Motion for Temporary Orders without Notice. The Clerk will give you back clerk-stamped copies of the documents to show the documents were filed.

Notice: Emergency motions presented to Family Department Administration before 4:30 p.m. will be addressed by a Judicial Officer by 5:00 p.m. on the same day. Emergency motions presented to Family Department Administration after 4:30 p.m. will be addressed by a Judicial Officer by 12:00 p.m. on the following business day. Paperwork must be filed with the Clerk of Superior Court before proceeding to Family Department Administration.

Step 5: What the Judge will do: The Judge will look over the Motion for Temporary Order without Notice. The Judge may sign the Temporary Order without Notice, deny your motion, or schedule a court hearing.

Step 6: Serve the court papers. If the Judge issues the Temporary Order without Notice and/or schedules a hearing, you must provide the other party with a full set of the court papers.

Step 7: The court hearing: If the Judge schedules a hearing, be sure to write down the date, time and place of the court hearing, and come to the hearing. Be prepared to present your evidence about why the Judge should sign your Order.

Do not bring children to court.