



Idaho Legal Aid
Services, Inc.

Temporary Orders: Child Custody & Child Support Process At-a-Glance

Temporary Orders in a Family Law case can establish a custody schedule and child support payments while the divorce or custody case is in process. This would be the official order of the court until the Judge is able to enter his/her final ruling.

This information is meant to be a general overview and guide. This is not a substitute for legal advice; it is always advisable to speak with an attorney if possible.

Step One: Fill out forms

1. Fill out a **Motion for Temporary Orders**
2. Fill out an **Affidavit in Support of the Motion for Temporary Orders**

1. **Family Court Services** at the Courthouse can assist with child support calculations

2. On the **Certificate of Service**, write the name and address of the other party or the other party's attorney if they have one - this lets the court know you are sending them copies

Step Two: File Forms

1. File both the **Motion for Temporary Orders** and the **Affidavit in Support of the Motion for Temporary Orders** at your local courthouse

2. The clerk will stamp both copies with the time and date that they were filed with the court

Step Three: Serve Party

1. Send a copy of **both** stamped documents to the other party or the other party's attorney if they have one - these can be sent via mail

Step Four: Set Hearing

1. Contact **your Judge's clerk** (note: each family law judge has their own clerk - their direct contact information can be found online)

2. Ask them to set a hearing on your **motion for temporary orders**

3. Fill out a **Notice of Hearing** with the date and time that the clerk provides you with

4. Send this notice to the other party or their attorney

Full Name of Party Filing Document

Mailing Address (Street or PO Box)

City, State and Zip Code

Telephone

Email Address (if any)

Petitioner Respondent

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
MAGISTRATE DIVISION

_____,
Petitioner,
v.
_____,
Respondent.

Case No. _____

**MOTION FOR TEMPORARY
ORDERS**

COMES NOW Petitioner Respondent _____ (your name)

and, in accordance with I.R.F.L.P. Rule 504, moves this court for a temporary order:

1. Awarding _____ (your name) primary physical custody of the parties' minor child during the pendency of this action, and
2. Giving _____ (other parent) visitation with

(child or children's names) as

follows:

3. Requiring _____ to pay to _____ a total of \$_____ per month as temporary support for the child during the pendency of this action in accordance with the Idaho Child Support Guidelines;
4. Any other order that this Court feels is just and proper.

This Motion is supported by the Affidavit of _____ (your name) filed concurrently.

Oral argument is requested on this Motion.

DATED this ____ day of _____, 20____.

(PRINT YOUR NAME)

(SIGN YOUR NAME)

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20____, I caused a true and correct copy of the foregoing MOTION FOR TEMPORARY ORDERS to be served on those listed below in the manner indicated.

- U.S. Mail
- Overnight Mail
- Fax
- Hand Delivery
- E-File

(PRINT YOUR NAME)

(SIGN YOUR NAME)

Full Name of Party Filing Document

Mailing Address (Street or PO Box)

City, State and Zip Code

Telephone

Email Address (if any)

Petitioner Respondent

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
MAGISTRATE DIVISION

_____ ,

Petitioner,

v.

_____ ,

Respondent.

Case No.

**AFFIDAVIT IN SUPPORT OF
MOTION FOR TEMPORARY
ORDERS**

STATE OF IDAHO)
) : ss
County of Ada)

Petitioner Respondent _____ (your name), being first duly sworn

on oath, states as follows:

1. I am the Petitioner Respondent in the above-entitled matter. I have personal knowledge of the facts set forth below.
2. My relationship to the other parent in this case is:

-
3. I currently reside at: _____ and
_____ (other parent's name) resides at _____.
4. _____ (other parent) and I are the natural parents of the following
child or children:

5. The child/ren currently live at:
_____.
6. Over the last five years our children have lived at the following addresses:

7. I have NOT participated as a party or witness, in a different case involving
our child/ren. **or**
 I have participated as a party or witness in the following different case
involving our child/ren:

_____.
8. I do NOT know of a different case that could affect our child/ren. **or**
 The following different case could affect our child/ren:
_____.
9. There is not a child protection proceeding pending involving the child/ren

identified above.

10. Domestic Violence:

There has been no domestic violence in our relationship.

There has been domestic violence in our relationship. The most recent incident occurred on _____(date).

a) The following is a brief description of the incident and any other past incidences of domestic violence:

Temporary Custody

11. The following are reasons why I am asking for primary custody:

12. I have been the primary caretaker for

_____ (name of child/ren) since birth.

13. _____

14. _____

15. _____

16. _____

Temporary Support.

17. I am employed by _____. I make approximately
\$_____ a year.

18. _____ (other parent) is employed by _____ and
makes approximately \$_____ a year.

19. My reasonable monthly living expenses are:

Expense	Amount
Rent/Mortgage	\$ _____
Utilities	
Gas and Electric	\$ _____
Water	\$ _____
Food	aprox \$ _____
Automobile	
Fuel	\$ _____
Insurance	\$ _____
Maintenance	\$ _____
Cell Phone	\$ _____
Internet	\$ _____
Child/ren expenses	\$ _____
Personal	\$ _____
	\$ _____
	\$ _____
TOTAL	\$ _____

20. I do not know what _____'s (other parent's) reasonable

monthly living expenses will be.

21. I respectfully ask the court order _____ to pay me \$ _____ per month in child support. See attached Exhibit A. The child support is in accordance with the Idaho Child Support Guidelines.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this ____ day of _____ 20__.

(Print Your Name)

(Sign Your Name)