

TEMPORARY ORDERS

NOTE

Temporary orders are meant to maintain the status quo with regard to finances and care of children. Temporary orders are subject to modification and are not binding when final orders are made.

PROCEDURAL ISSUES

- Temporary orders may be requested in the complaint, answer, counterclaim, or by separate motion [Civ.R. 75(N)]

NOTICE/SERVICE

- Ensure all parties to the action received proper notice and service. [Civ.R. 1 and 4]

HEARING PROCEDURE [Civ.R. 75(N)]



Courts may hold temporary-order hearings by affidavit or in-person hearing.



The court has the authority to set parameters as to the amount of evidence, time permitted for testimony, page limitations, etc. Check your jurisdiction's local rules.

- Rules of Evidence – relaxed, via affidavit, granted for “good cause shown” [Civ.R. 75(N)]
- Non-oral hearing
 - Contested
 - Uncontested – May be issued if no counter affidavit is filed within 14 days from date of service.

CONTENTS OF ORDER

- Temporary custody/parenting time [R.C. 3109.043; Civ.R. 75(N)]
- Support [R.C. 3105.18 (spousal); R.C. 3109.043 (child); Civ.R. 75(N)]
- Attorney’s fees [R.C. 3105.73(A); Civ.R. 75(N)]
- Expert witness fees
- Guardian ad litem fees
- Allocation of debts [R.C. 3105.18; Civ.R. 75(N)]
- Exclusive use of the marital residence
- Beneficial use of property (e.g., automobile)

CASEFLOW

- May be conducted anytime pre-decree during pendency of the case with proper notice and service [Civ.R. 75(N)]
- Modification of temporary orders [Civ.R. 75(N)(2)]
 - Oral hearing held within 28 days, upon request.

ADDITIONAL TEMPORARY ORDERS:

- Temporary Restraining Order [Civ.R. 75(I)]
 - Must be supported by affidavit [Civ.R. 75(I)(2)]
- Prohibit cancelling health insurance [R.C. 3105.71]