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  - iv. Names of members: Mike Espinoza, Brooks Gibson, John Weaver
  - v. Purpose:
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#### 5-402.01. Definitions

In this article, unless the context otherwise requires:

1. "Continuing" means uninterrupted and consistent parenting time prior to the filing for separation or dissolution, insuring the child of regular access with both parents in a consistent manner during the interim of entry of final orders. In instances of paternity or third party visitation, continuing shall also mean that, once time has been allocated, that time shall not be interrupted barring good cause shown.
2. "Meaningful" means periods of time that occur daily with value or purpose used for participating with a child in routine activities, including but not limited to bathtime, bedtime, homework, transporting a child to or from school, etc., and shall include the right of first refusal.
3. "Substantial" means two consecutive overnights alternating or no less than 60 hours of visitation allocated throughout the week. Substantial does not include allocated weekends.
4. "Frequent" means predictable, expected and constant.
5. "Equitable" means nearly equal, equal, or more than equal by a + /or – of 5% of the parenting time; or alternating use of titles or designations on annual basis. Equitable awards of time shall mean 55% parenting time can be awarded to each parent when parents cooperate and allow shared experiences (sports activities, school functions, etc.) Equitable remedies to settle matters such as final decision authority shall mean one parent may have primary residential and the other parent has final decision making one year, and then the responsibilities reverse the next year.
6. "Qualified" means having the abilities, qualities, attributes, etc., necessary to perform all parenting responsibilities needed to physically, mentally, and emotionally care for a child.
7. "Equal" means same as, and frequent, continuing, meaningful and substantial.

25-103. Purposes of title; application of title

A. It is declared that the public policy of this state and the general purposes of this title are:

1. To promote strong families;
2. To promote strong family values.

B. It also is the declared public policy of this state and the general purpose of this title that absent evidence to the contrary, it is in a child's best interest:

1. To have substantial, frequent, meaningful and continuing parenting time with both parents.
2. To have both parents participate in decision-making about the child.

C. A court shall apply the provisions of this title in a manner that is consistent with this section.

25-404. Purpose;

A. In accordance with public policy in this state, it is recognized that it is in the best interests of children for temporary orders to diffuse conflict at the earliest stage of a separation, dissolution, or paternity action by establishing balance and fairness:

1. That parenting time and physical custody shall be shared by the parents in such a way as to assure the child of continuing, meaningful and substantial, contact with both parents.<sup>1</sup>
2. That the court shall award as a temporary order joint legal custody unless the court determines on the record, based upon clear and convincing evidence, that joint legal custody is not in the best interests of the child.<sup>2</sup>

B. In support of the declared public policy of this state and the general purpose of this title that both parents have substantial parenting time and participate in decision-making, it is also in the child's best interest to consider:

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<sup>1</sup> **CONNECTICUT CODE 2005, SEC. 46b-56a**

<sup>2</sup> **MICHIGAN REVISED STATUTES SECTION 722.27b**

1. That denying children of their rights to regular and predictable access to either of their qualified parents is harmful.
2. That if a parent has falsified allegations or testimony for the purpose of influencing a custody or parenting time outcome, that parent has not exercised good decision making in the best interests of their child to the degree of disqualifying themselves as final decision maker in a joint custody arrangement.
3. If, based upon clear and convincing evidence, a parent proves their child has been wrongfully denied substantial access to the parent's care, the court shall terminate the existing order upon a finding that the parent is a fit parent,<sup>3</sup> restore substantial parenting time and joint legal custody, and any and all costs associated with any necessary reunification services shall be paid by the offending parent.
4. With services provided by the court involving child support in the temporary orders hearing
5. To provide any and all evidence prior to a hearing to avoid "ambush tactics" pursuant to RULE 49, 50, 51, 52.

#### 404. Temporary orders

A. DURING THE TIME FROM THE DATE OF A FILING A PETITION FOR DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN OR LEGAL SEPERATION WITH MINOR CHILDREN AND UNTIL A TEMPORARY ORDERS RULING, IT SHALL BE CONSIDERED IN THE BEST INTEREST OF THE CHILD THAT JOINT LEGAL CUSTODY, EQUAL PARENTING TIME AND JOINT LEGAL DECISION MAKING BE THE STANDARD PROVIDED UNDER SECTION 25-103, UNLESS BY CLEAR AND CONVINCING EVIDENCE, THAT JOINT LEGAL CUSTODY, EQUAL PARENTING TIME AND/OR JOINT LEGAL DECISION MAKING IS DETERMINED TO BE A DANGER TO THE CHILD. THE COURT SHALL USE ITS BEST EFFORT TO ENSURE THAT MINOR CHILDREN HAVE FREQUENT, MEANINGFUL, SUBSTANTIAL (NO LESS THAN 180 DAYS) AND CONTINUING CONTACT WITH BOTH OF THEIR PARENTS WHO HAVE SHOWN THE ABILITY TO ACT IN THE BEST INTERESTS OF THEIR CHILDREN AND TO ENCOURAGE BOTH PARENTS TO SHARE IN THE RIGHTS AND RESPONSIBILITIES OF REARING THEIR CHILDREN AFTER THE PARENTS HAVE SEPARATED OR BEGUN THE PROCESS TO DISSOLVE THEIR MARRIAGE. IF REQUESTED BY A PARENT, THE COURT SHALL PROVIDE TO THE CHILD EQUAL ACCESS AND ENCOURAGE MAXIMUM PARTICIPATION WITH BOTH PARENTS AT A TEMPORARY ORDERS HEARING, UNLESS THE COURT

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<sup>3</sup> **FLORIDA STATUTES - Section 751.01**

FINDS THAT SUCH SHARED PARENTING WOULD BE A DANGER TO SUCH CHILD. THE BURDEN OF PROOF SHALL BE CLEAR AND CONVINCING EVIDENCE THAT SUCH SHARED PARENTING WOULD BE DANGEROUS TO SUCH CHILD AND THE BURDEN OF PROOF SHALL BE UPON THE PARENT MAKING REQUEST FOR A REDUCTION IN JOINT LEGAL CUSTODY, PARENTING TIME AND/OR JOINT LEGAL DECISION MAKING . THE HEARING SHALL BE ON THE RECORD. IF REQUESTED BY EITHER PARTY THE TEMPORARY ORDERS SHALL INCLUDE FINDINGS OF FACTS AND CONCLUSIONS OF LAW.

~~A B. A party to a custody proceeding move for a temporary custody order. This motion must be supported by pleadings as provided in section 25-411.~~

A PARTY FILING A PETITION FOR DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN OR LEGAL SEPARATION WITH MINOR CHILDREN MUST FILE A PARENTING PLAN AND A PETITION FOR TEMPORARY ORDERS SUPPORTED BY PLEADINGS PROVIDED IN SECTION 25-411. THESE SHALL BE FILED TO ACCOMPANY THE PETITION FOR DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN OR LEGAL SEPARATION WITH MINOR CHILDREN. The court ~~may~~ SHALL award temporary custody under the standards of section 25-103 after a hearing, or, if there is no objection, solely on the basis of the pleadings.

~~B C.~~ If a proceeding for dissolution of marriage or legal separation is dismissed, any temporary custody order is vacated, unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interest of the child require that a custody decree be issued as provided in section 25-403.

~~C D.~~ If a custody proceeding commenced in the absence of a petition for dissolution of marriage or legal separation is dismissed, any temporary custody order thereby is vacated.

E. IF THE COURT FINDS THAT A PARENT HAS WRONGFULLY ALLEGED UNETHICAL CONDUCT AND/OR MADE FALSE STATEMENTS OR FALSE REASONS AGAINST THE OTHER PARENT IN ITS MOTION FOR TEMPORARY ORDERS, SUCH FINDINGS FROM THE TEMPORARY ORDERS HEARING SHALL BE USED BY THE COURT AGAINST THE PARENT THAT MADE THE UNETHICAL AND/OR FALSE STATEMENTS IN DETERMINING TO REDUCE THAT PARENT'S FITNESS AND CAPABILITY TO PARENT FOR PURPOSES OF TEMPORARY ORDERS FOR CHILD CUSTODY, VISITATION, AND SUPPORT.

F. RULES OF DISCOVERY AND DISCLOSURE SHALL BE APPLIED PURSUANT TO ARFLP 49, 50,51,52 WITH THE EXCEPTION OF THE TIME STANDARD. THE TIME STANDARD SHALL BE LEFT TO THE DISCRETION OF THE FAMILY COURT.

ORIGINAL TEXT - ARIZONA:

25-404. Temporary orders

A. A party to a custody proceeding may move for a temporary custody order. This motion must be supported by pleadings as provided in section 25-411. The court may award temporary custody under the standards of section 25-403 after a hearing, or, if there is no objection, solely on the basis of the pleadings.

B. If a proceeding for dissolution of marriage or legal separation is dismissed, any temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interest of the child require that a custody decree be issued.

C. If a custody proceeding commenced in the absence of a petition for dissolution of marriage or legal separation is dismissed, any temporary custody order thereby is vacated.