

- i. Version Number: 1A
- ii. Date of version: October 29, 2010
- iii. Current section number and short title: 25-404. Temporary orders
- iv. Names of members: Mike Espinoza, Brooks Gibson, John Weaver
- v. Purpose:

25-404. Temporary orders

A. THE COURT SHALL USE ITS BEST EFFORT TO ENSURE THAT MINOR CHILDREN HAVE MEANINGFUL, SUBSTANTIAL (NO LESS THAT 180 DAYS) AND CONTINUING CONTACT WITH THEIR PARENTS WHO HAVE SHOWN THE ABILITY TO ACT IN THE BEST INTERESTS OF THEIR CHILDREN AND TO ENCOURAGE PARENTS TO SHARE IN THE RIGHTS AND RESPONSIBILITIES OF REARING THEIR CHILDREN AFTER THE PARENTS HAVE SEPARATED OR DISSOLVED THEIR MARRIAGE. IF REQUESTED BY A PARENT, THE COURT SHALL PROVIDE SUBSTANTIALLY EQUAL ACCESS AND ENCOURAGE MAXIMUM PARTICIPATION WITH THE MINOR CHILDREN TO BOTH PARENTS AT A TEMPORARY ORDERS HEARING, UNLESS THE COURT FINDS THAT SUCH SHARED PARENTING WOULD BE DETRIMENTAL TO SUCH CHILDREN. THE BURDEN OF PROOF SHALL BE CLEAR AND CONVINCING EVIDENCE THAT SUCH SHARED PARENTING WOULD BE DETRIMENTAL TO SUCH CHILDREN AND THAT BURDEN OF PROOF SHALL BE UPON THE PARENT MAKING THE MOTION FOR TEMPORARY ORDERS. THE HEARING SHALL BE ON THE RECORD. IF REQUESTED BY EITHER PARTY THE TEMPORARY ORDERS SHALL INCLUDE FINDINGS OF FACTS AND CONCLUSIONS OF LAW.

B. WHEN FILING FOR A PETITION FOR DISSOLUTION OF MARRIAGE A PETITION FOR TEMPORARY ORDERS SHALL BE FILED TO ACCOMPANY THE PETITION FOR DISSOLUTION OF MARRIAGE.

~~AC. A party~~ PARTIES to a custody proceeding ~~may~~ SHALL 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 25-103 after a hearing, or, if there is no objection, solely on the basis of the pleadings.

~~B~~ D. 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 25-103

€E. 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.

F. IF THE COURT FINDS THAT A PARENT HAS ALLEGED UNETHICAL AND/OR FALSE STATEMENTS OR REASONS AGAINST THE OTHER PARENT IN ITS MOTION FOR TEMPORARY ORDERS, THE 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 THAT PARENT'S FITNESS AND CAPABILITY TO PARENT FOR PURPOSES OF TEMPORARY ORDERS FOR CHILD CUSTODY.

#### 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.

#### Oklahoma policy

##### §43-110.1. Shared parenting - Policy.

It is the policy of this state to assure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interests of their children and to encourage parents to share in the rights and responsibilities of rearing their children after the parents have separated or dissolved their marriage, provided that the parents agree to cooperate and that domestic violence, stalking, or harassing behaviors as defined in Section 109 of this title are not present in the parental relationship. To effectuate this policy, if requested by a parent, the court may provide substantially equal access to the minor children to both parents at a temporary order hearing, unless the court finds that shared parenting would be detrimental to the child.

Added by Laws 1999, c. 301, § 3, eff. Nov. 1, 1999. Amended by Laws 2001, c. 61, § 1, eff. Nov. 1, 2001; Laws 2009, c. 307, § 2, eff. Nov. 1, 2009.