**What is a temporary motion?**

A temporary or pendente lite motion is a court order only in place while your case is pending. Temporary orders generally only last six months to a year. Once your case is finalized through settlement or trial the temporary order ends.

**What are temporary motions for?**

For people who aren’t getting to see their children, who can’t pay their bills, who don’t trust their spouse to give them money to pay bills while the case is pending or who need attorney fees to pay their attorney or to pay for an expert.

**What can I get in a temporary motion?**

Temporary orders generally relate to when each of you can see the children, what child support must be paid while the case is pending, what maintenance is to be paid while the case is pending, attorney fees, orders for one party to move out of the house, to take the children on vacation, to engage in counseling for the children, and/or to retrieve household goods and personal belongings.

**Why should I avoid temporary motions?**

Temporary motions should be avoided because they increase the attorney fees in your case by $1,500-$2,500. And, because temporary motions are only temporary you are paying a large sum of money for a court order that will only be in place for a relatively short period of time. If you can find other ways to pay your bills or if you can come to an agreement on when each of you can see the children while the case is pending then that is cheaper than filing a temporary motion.

**If I get a temporary order from the judge will the judge rule the same way in the final divorce hearing?**

Not necessarily. Temporary orders are intended to preserve the status quo. The judge is looking to grant temporary relief in order to keep things the same as much as possible. Final orders can be increased or decreased based on the circumstances of the parties on a permanent basis. However, temporary orders should not be viewed as indicative of what the judge will do on a permanent basis.

**Do I have to testify?**

Yes. If you or your spouse have filed a motion for temporaries then if you cannot agree both of you will testify. You also have the right to call other witnesses and your respective counsel have the right to cross examine each of you and your witnesses.

Temporary hearings generally take between 30 minutes-1 ½ hours.

**What will we testify about?**

You will testify about your monthly budget, how the bills were paid when you were together and how the bills should be paid now that one of you has filed for divorce. You should know your monthly budget and be able to testify about it without referring to a piece of paper. You should also know when you want to see your children and what kind of custody schedule you are seeking for your children. If you are asking for attorney fees you need to be able to testify as to how you have paid your attorney so far and what assets are available to pay future attorney fees. You also need to know the difference between gross and net income and what your average take home pay is each month and what your spouse’s average take home pay is each month.

**A temporary motion can be for the following:**

Temporary custody or visitation

Temporary maintenance

Temporary attorney fees

Temporary expert witness fees

To exclude one party from the house

For counseling

**What is the benefit of a temporary order?**

Temporary orders are court orders which means that they are enforceable through the sheriff, through garnishment proceedings and through the judge. If one party doesn’t follow the temporary order then the judge has the authority to award attorney fees later.

Temporary orders set a precedent for making people follow directives with respect to the payment of money and when each party can see the children.

If you don’t seek a temporary order it may be harder to get an order for back pay later. If you do get a temporary order it is generally thought that people comply with court orders and will thus follow the court’s order with respect to the payment of money or when each of you gets to see the children.

Temporary orders often lead to settlement. Although money is spent up front it may be well spent if it then forces the parties to settle or causes them to think about settlement.