



SEOLS
Southeastern Ohio Legal Services

MOTION FOR TEMPORARY ORDERS IN A DIVORCE CASE



I do not have any money, car, or a place to live. My spouse and I separated and they took it all. What can I do?

If you are filing a Complaint for Divorce, you should also file a Motion for Temporary Orders. The Court can grant temporary orders on the following subjects while the divorce case is pending:

1. Custody
2. Child Support
3. Spousal Support
4. Payments of Debts and/or Expenses

To request a Temporary Order, you must complete a Motion and Affidavit for Temporary Orders (Ohio Supreme Court, Uniform Domestic Relations Form 5). You can file this with your original pleadings or anytime after you file your divorce action.



Will the Court have a hearing on a request for Temporary Orders?

It depends on your local court practice. Some Courts will hold a “non-oral hearing.” This means that they will review the Motions you submitted and will review your spouse’s response to your Motions and decide based upon these documents. You will then receive a copy of the Temporary Order in the mail.

Other Courts will require that you appear in person for a hearing to tell the Court on the record what you want and why. You will receive Notice of the hearing date and time from the Court. You must appear at the date and time given and be prepared to present your testimony, witnesses, and exhibits.



What is a Temporary Restraining Order?

A Temporary Restraining Order (TRO) prevents both parties from disposing of or encumbering property in an attempt to defeat the other spouse in obtaining an equitable division of marital property and prevents both parties from abusing, annoying or injuring the other party. Some courts automatically issue a Mutual TRO when the divorce case

is filed, but others require you to file a Motion requesting a TRO. The TRO will remain in effect during the divorce case and will end when the divorce is final.

In addition to the provisions above, some courts will also allow you to include in your request for a TRO a request for temporary use of the home (order the other party to vacate the home) or temporary use of a vehicle.

NOTE: A TRP is NOT a criminal matter; failing to follow this Order may result in contempt of court, not criminal charges. It is NOT the same as a Temporary Protection Order or a Civil Protection Order; Those are orders issued in cases involving domestic violence.

**The information on this flyer is not legal advice.
If you are seeking representation or legal advice, please contact SEOLS.
An attorney-client relationship does not exist between you and SEOLS.**

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