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IN THE FOURTH JUDICIAL DISTRICT COURT,
UTAH COUNTY, STATE OF UTAH, PROVO

GOOD CLIENT,

Petitioner,

v.

OPPOSING PARTY,

Respondent.

MOTION FOR TEMPORARY ORDERS

Case No. 123456789

Judge: Kraig Powell

Commissioner: Marian Ito

Petitioner, by and through her counsel of record, hereby submits, under Rule 101 of the Utah Rules of Civil Procedure, this “Motion for Temporary Orders.” This motion is supported by “Petitioner’s Verified Declaration in Opposition to Respondent’s Motion for Temporary Orders, and in Support of Petitioner’s Motion for Temporary Orders,” filed contemporaneously with this motion.

Petitioner requests the following temporary orders:

1. The parties should be awarded the joint equal legal custody of their three minor children, whose initials and dates of birth are, respectively, H.J.V., born in April of 2007, C.S.V., born in December of 2008, and M.M.V., born in June of 2012.
2. The parties should be awarded the joint equal physical custody of the children, and the parties should share the custody of the children according to the following proposed parenting schedule:

When School is in Session

Day of the Week and Time	Parent with Whom the Children Are to Stay During this Time Period	Exchange
Saturday 6:00 a.m. – overnight	Respondent	Respondent picks up children at 6:00 a.m. Saturday and has them the day and overnight.
Sunday All day and overnight take children to school at 8:30 a.m. on Monday	Respondent	Respondent has the children with him all day and overnight.
Monday 2:00 p.m. – overnight	Petitioner	Petitioner picks up children from school at 2:00 p.m. and are with her overnight. Takes children to school next day.
Tuesday take children to school at 8:30 a.m., keep after school overnight	Petitioner	Petitioner picks up children from school at 2:00 p.m.; they are with her overnight. Takes children to school next day.
Wednesday 2:00 p.m. – overnight	Respondent	Respondent picks up children from school at 2:00 p.m.; they are with him overnight. Takes children to school next day.
Thursday 2:00 p.m. – overnight	Petitioner	Petitioner picks up children from school at 2:00 p.m.; they are with her overnight. Takes children to school next day.
Friday 6:00 a.m. exchange, overnight	Petitioner	Petitioner picks up children from school at 2:00 p.m.; they are with her overnight and with Petitioner until 6:00 a.m. on Saturday.

When School is Not in Session

Day of the Week and Time	Parent with Whom the Children Are to Stay During this Time Period	Exchange
Saturday 6:00 a.m. – overnight	Respondent	Respondent picks up children at 6:00 a.m. Saturday and has them the day and overnight.

Sunday All day and overnight	Respondent	Respondent has the children with him all day and overnight.
Monday 8:30 a.m. – overnight	Petitioner	Petitioner picks up children at 8:30 a.m. and are with her overnight.
Tuesday	Petitioner	Children with Petitioner overnight.
Wednesday 5:30 p.m. – overnight	Respondent	Respondent picks up children at 5:30 p.m.; they are with him overnight.
Thursday 5:30 p.m. – overnight	Petitioner	Petitioner picks up children at 5:30 p.m.; they are with her overnight.
Friday Overnight, exchange Saturday morning	Petitioner	Children are with Petitioner Friday overnight and with Respondent 6:00 a.m. on Saturday.

3. Respondent should be ordered to pay Petitioner base child support in the amount of \$641.00 per month, based upon the children being in Respondent's custody 157 overnights annually, and based upon each parent's stated gross monthly income (a child support worksheet is attached hereto as "Exhibit A" for reference).

4. Respondent should be ordered to pay Petitioner spousal support in the amount of \$800.00 per month, calculated as follows:

- a. starting with Petitioner's gross monthly income of \$2,779.00, less 7% for income tax, and \$5,583.00 as Respondent's gross income, less 12% for income tax; resulting in a net after tax income for Petitioner of \$2,585.00 and for Respondent of \$4,913.00;

- b. subtracting Respondent's \$641.00 monthly base child support obligation from Respondent's net after tax income of \$4,913.00, for a net, after tax, after child support income for Respondent in the amount of \$4,272.00;
 - c. taking the sum of Petitioner's net, after tax income of \$2,585.00 and Respondent's net, after tax, after child support income of \$4,272.00—i.e., \$6,857.00 to get the combined net monthly household income;
 - d. dividing \$6,857.00 by two to get \$3,428.50, which represents an equal division of the combined net monthly household income; and
 - e. subtracting \$2,585.00 from \$3,428.50 to get \$843.50, which represent the maximum alimony award for Respondent based upon an income equalization basis, then rounding down to the nearest hundred dollars—i.e., \$800.00.
5. The Court should issue an order restraining Respondent from visiting or entering the marital home located at [HOME ADDRESS] without express written, advance permission from the Petitioner.
6. The Court should order Respondent to stop initiating contact with any of Petitioner's family members, friends, previous coworkers, and current coworkers.
7. Both parties should be ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of the Court's orders, and should a party fail to execute a document following the entry of their parentage decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and ask that the court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure,

and that any document executed pursuant to Rule 70 have the same effect as if executed by the disobedient party.

8. Each party should be awarded the right of first refusal should the other party be unable to personally care for the minor child for a period of six (6) or more hours.

9. Respondent and Petitioner should continue to exercise joint physical custody of the children, and should do so according to the proposed parenting schedule referenced above.

10. Each party should be ordered to pay one-half the costs of healthcare insurance in compliance with Utah Code § 78B-12-212.

11. Each party should be ordered to pay one-half the cost of childcare in compliance with Utah Code §§ 78B-12-214 and 215.

12. Each party should pay one-half the costs of any extracurricular activities for the children that the parties can agree upon in writing.

13. Petitioner should be awarded the right to claim the parties' two youngest children on her tax return for tax year 2019, and Respondent should be permitted to claim the parties' oldest child on his tax return.

14. Petitioner should be awarded the sole and exclusive use and occupancy of the parties' marital home (real property) if the Respondent does not want to reside in the marital home with the Petitioner.

15. Each party should be awarded the vehicle(s) in his or her own possession.

16. The parties should divide any remaining contents of the Chase Bank account ending in 7185, and should then close the account. Each party should be awarded any remaining bank account in his or her own name.

17. Each party should be ordered to pay any debts in his or her own name.
18. The parties should be permanently restrained from bothering, harassing, annoying, threatening, or harming the other party and/or the children at the party's/children's place of residence, employment, or any other place.
19. The parties should be mutually restrained from doing anything that would alienate the children from either parent or from their parents.
20. The parties should be mutually restrained from making disparaging comments about the other in the presence of the children.
21. The court should impose the injunctions of Rule 109 of the Utah Rules of Civil Procedure that do not conflict with any of the relief Petitioner has requested in her motion for temporary orders.
22. The court should grant such other and further relief as it may deem just and appropriate under the circumstances in this matter.

DATED February 18, 2020.

Altiorem Legal Services, PLLC

/s/ Saul Goodman

Saul Goodman,
Attorney for Petitioner

CERTIFICATE OF SERVICE

On February 18, 2020, I caused to be served, by electronic filing, a true and correct copy of the foregoing upon:

Opposing Party

/s/ Saul Goodman

Exhibit A

SAMPLE
Altioem Legal Services

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

<p>Good Client</p> <p>vs.</p> <p>Opposing Party</p> <p>The Combined Child Support Obligation Table used for calculation is: (X) 78B-12-301 () 78B-12-301(1) and 78B-12-302(1) (Historical)</p>	<p>CHILD SUPPORT OBLIGATION WORKSHEET (JOINT PHYSICAL CUSTODY)</p> <p>Civil No. 123456789</p>
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MOTHER FATHER COMBINED

1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			3
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$2,779	\$5,583	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-\$0.00	-\$0.00	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-\$0.00	-\$0.00	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-\$0	-\$0	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$2,779.00	\$5,583.00	\$8,362.00
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Enter the Combined Support Obligation here.			\$1,655.00
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	33.20%	66.80%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$549.46	\$1,105.54	
7a. Enter the number of overnights the children will spend with each parent. (They must total 365). Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78B-12-208).	208	157	365
7b. Identify the parent who has the child the lesser number of overnights, and continue the rest of the calculation for them. You will be making adjustments to the net amount owed by this parent.	Opposing Party		
8a. For the parent who has the child the lesser number of overnights multiply the number of overnights that are greater than 110 but less than 131 by .0027 to obtain a resulting figure and enter in the space to the right.	0.054		
8b. Multiply the result on Line 8a by the Combined Support Obligation on Line 4 for this parent and enter the number in the space to the right.	\$89.37		

8c. Subtract the respective dollar amount on Line 8b from this parent's share of the Base Support Obligation found in the column for this parent on Line 6 to determine the amount as indicated by U.C.A. 78B-12-208 (3)(a) and enter the amount in the space to the right.	\$1,016.17
9a. Additional calculation necessary if both parents have the child for more than 131 overnights (Otherwise go to Line 10): For the parent who has the child the lesser number of overnights multiply the number of overnights that exceed 130 (131 overnights or more) by .0084 to obtain a resulting figure and enter it in the space to the right.	0.2268
9b. Multiply the result on Line 9a by the Combined Support Obligation on Line 4 for this parent and enter each in the space to the right.	\$375.35
9c. Subtract this parent's dollar amount on Line 9b from their respective amount as identified on Line 8c to determine the amount as indicated by U.C.A. 78B-12-208 (3)(b) and enter the amount in the space to the right. Go to Line 10.	\$640.82
10. BASE CHILD SUPPORT AWARD: If the result in Line 9c. is > 0, then this parent is the obligor (and the other parent is the obligee). Enter the amount in Line 9c here. This is the amount owed by this parent to the obligee all 12 months of the year. If the result in Line 9c is < 0, then this parent is the obligee (and the other parent is the obligor). Enter the absolute value of the result in Line 9c here. This is the amount owed to this parent by the obligor all 12 months of the year.	\$641

11. Which parent is the obligor? () Mother (X) Father

12. Is the support award the same as the guideline amount in line 10? () Yes () No
If NO, enter the amount ordered: \$ _____ , and answer number 13.

13. What were the reasons stated by the court for the deviation?

() property settlement

() excessive debts of the marriage

() absence of need of the custodial parent

() other: _____