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Petitioner Pro Se

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

GOOD CLIENT, Petitioner, vs. OPPOSING PARTY, Respondent.	VERIFIED EX PARTE EMERGENCY MOTION FOR TEMPORARY ORDERS OF CHILD CUSTODY, PARENT-TIME, AND CHILD SUPPORT Case No. 123456789 Judge: Mark Kouris Commissioner: Joanna Sagers
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The above-captioned petitioner, **Good Client** (hereinafter referred to as “**Petitioner**”), hereby files this “Verified Ex Parte Emergency Motion for Temporary Orders of Child Custody, Parent-Time, and Child Support” (hereinafter referred to as this “**Motion**”) against the above-captioned respondent, **Opposing Party** (hereinafter referred to as “**Respondent**”) to move this Court to grant emergency temporary orders of child custody, parent-time, and child support with respect to the minor child who is the subject of this Motion.

Petitioner is filing contemporaneously with this Motion a “Verified Petition to Modify Child Custody, Parent-Time, and Child Support Orders” to modify the parties’ existing child custody, parent-time, and child support orders contained in their decree of divorce (hereinafter referred to as the “**Decree**”) entered on November 14, 2013.

In support and as the substance of this Motion, Petitioner hereby states and alleges as follows:

CONTROLLING ORDER

Temporary Emergency Modification

1. As covered above but more specifically addressed herein, the order controlling child custody, parent-time, and child support in this matter—i.e., the **Decree**—was issued in this case by the Fourth Judicial District Court, Utah County, on **November 14, 2013**.

2. Petitioner now wishes, and has good cause showing, to establish temporary emergency orders modifying the provisions of the parties' Decree specifically pertaining to their child's physical custody and legal custody, parent-time, and child support, and Petitioner wishes, and has good cause showing, to make such emergency modifications via this Motion.

THE CHILD

Parents

3. Petitioner and Respondent are, respectively, the mother and the father of one minor child, whose initials are **J.I.S.** (hereinafter referred to as "**J.I.S.**"), born in August of 2005.

Jurisdiction

4. This Court's exercise of jurisdiction is proper under, among other authorities, Utah Code § 78A-5-102 (general jurisdiction of district courts); Utah Code § 30-3-1 (general authority of district courts respecting divorce actions); Utah Code § 78B-14-101 *et seq.* (the Uniform Interstate Family Support Act ("UIFSA")); and Utah Code § 78B-13-101 *et seq.* (the Uniform Child Custody Jurisdiction & Enforcement Act ("UCCJEA")).

5. Furthermore, this Court has jurisdiction under Utah Code § 30-3-5(3) and (4) to modify and/or make new orders for child custody, parent-time, and child support regarding the parties' child.

Circumstances Justifying Ex Parte Relief

6. Admissible evidence will show that the circumstances of J.I.S. and of Petitioner have materially and substantially changed since the entry of the Decree, and that this change of circumstance amply justifies ex parte relief.

7. A temporary modification of the terms and conditions of the Decree would be a substantial improvement for, *and in the very best interest of*, J.I.S., and there exist circumstances compelling the granting of this emergency Motion on an *ex parte* basis.

8. The following material and substantial change in circumstances occurred since the Decree was entered:

- a. J.I.S. lives 100% of the time with Petitioner and Petitioner's wife, and has done so for over a year as of the date of this Petition (since July 23, 2021).
- b. Petitioner and Petitioner's wife provide a loving and nurturing environment for J.I.S. to be raised in.
- c. J.I.S. will continue to live with Petitioner and Petitioner's wife at least until J.I.S. begins her college education.
- d. J.I.S.'s biological mother, Respondent, has contributed absolutely *nothing* toward the care and raising of J.I.S. since J.I.S. began living with Petitioner and Petitioner's wife.
- e. J.I.S. was recurrently and severely physically, mentally, and emotionally abused by Respondent to such extremes that J.I.S. attempted suicide three times while in Respondent's exclusive care.

- f. J.I.S. witnessed the repeated physical and emotional abuse of a three-year-old child, who was like a stepsister to J.I.S., while in Respondent's home, and J.I.S. was traumatized by having to witness such savage abuse of a defenseless toddler.
- g. Until June of 2022, Petitioner had a Power of Attorney document signed by Respondent that gave Petitioner the power to make educational and medical decisions for and on behalf of J.I.S., for J.I.S.'s care and wellbeing; however, this Power of Attorney has expired, and Respondent has not signed another one to continue granting these powers to Petitioner, and Respondent has refused all communication attempts that Petitioner has made concerning the Power of Attorney.
- i. Furthermore, on or about September 25, 2022, after Petitioner asked Respondent if Respondent would sign another power of attorney, Respondent adamantly *refused* to sign another power of attorney giving Petitioner powers over J.I.S.; Respondent's full response via email to Petitioner was "I will NOT be signing a POA for [J.I.S.]."
- h. Over the past seven years,
- i. Respondent has, off and on, completely ignored all of Petitioner's communications and/or blocked Petitioner's cell phone number from her phone for extended periods of time; Respondent has been ignoring some messages, responding to others, but refusing to answer the questions being posed;

- ii. Respondent has ignored and blocked Petitioner's emails;
 - iii. at unpredictable intervals (from several weeks to up to two or three months at a time) Respondent cuts off all contact with Petitioner, and Petitioner has no way of contacting Respondent with matters concerning J.I.S.;
 - iv. sometimes there is complete silence from Respondent during these times, and other times Respondent *will* respond but *refuse* to answer questions or to discuss any concerns or issues that Petitioner has brought up concerning J.I.S.; and
 - v. Respondent has responded to Petitioner with insults or comments unrelated to Petitioner's messages.
- i. Most recently, for the past month, Respondent has refused to answer Petitioner's phone calls, texts, or emails concerning J.I.S.
 - j. Because of the reasons covered in paragraphs (g) and (h) hereinabove, this means that in case of a medical emergency, Petitioner would not have the legal right to make medical decisions for and on behalf of J.I.S., and Petitioner has no way to reliably contact Respondent to obtain proper medical care for J.I.S.
 - k. J.I.S. suffers from a general bleeding disorder which has, in the past, required hospital stays and blood transfusions; therefore, if J.I.S. were to relapse and again need emergency care, Petitioner may or may not be able to get in contact with Respondent due to Respondent's history of blocking or ignoring all communication with Petitioner.

1. J.I.S. suffers from severe Atopic Dermatitis on 40% - 50% of her arms and legs; this condition causes J.I.S.'s skin to burn and itch to the extent that J.I.S. scratches herself until she is bleeding; furthermore,
 - i. J.I.S. has large sections of her skin that are discolored and thickened due to the condition;
 - ii. several prescription ointments and creams have been tried, to little or no effect;
 - iii. to treat the condition, J.I.S.'s doctor wants to administer, as soon as possible, bi-weekly injections of an extremely expensive medication; and
 - iv. the medication requires pre-approval from insurance and costs over \$2,000.00 per month.
- m. Petitioner has been unable to discuss J.I.S.'s medical condition with Respondent because Respondent is currently refusing to communicate with Petitioner.

9. Because of the foregoing reasons—especially J.I.S.'s medical needs and Respondent's unreliability thereto—it is expedient that, *on a temporary emergency basis*, the **full legal custody** of J.I.S. be awarded exclusively to Petitioner in order to grant Petitioner the ability to make medical decisions for and on behalf of J.I.S.; otherwise, due to Respondent's complete inability and/or unwillingness to care for J.I.S.'s medical needs, J.I.S.'s condition will worsen and cause J.I.S. to suffer significantly, unduly, and unnecessarily.

Proposed Emergency, Temporary Modification to Custody and Parent-Time Orders

10. Petitioner requests that the Court order the temporary modification of the legal custody over J.I.S., the physical custody over J.I.S., and parent-time orders pertaining to J.I.S., as follows:

- a. Petitioner should be awarded the **sole emergency, temporary physical custody** of J.I.S.; only Petitioner should have and exercise physical custody over J.I.S.
- b. Petitioner should be awarded the **sole emergency, temporary legal custody** of J.I.S.; only Petitioner should exercise full legal custody over J.I.S. and have access to medical records, school records, court records, and any other information or records concerning J.I.S. or pertaining to J.I.S. in any manner; Respondent may have access to these records under Petitioner's sole discretion.

11. On a temporary basis, Respondent should be allowed parent-time with J.I.S. at reasonable intervals, during reasonable times, at reasonable places, and via reasonable means (such as video chat or a phone call)—however, all under Petitioner's sole discretion and according to J.I.S.'s stated wishes.

TEMPORARY PHYSICAL CUSTODY AND LEGAL CUSTODY ORDERS

12. Petitioner is a fit and proper parent to be awarded the **sole emergency, temporary legal custody** and the **sole emergency, temporary physical custody** over J.I.S.

13. As outlined above, the Court should order that, on a temporary emergency basis, J.I.S. should remain within Petitioner's sole physical custody, Petitioner should be formally awarded the sole emergency, temporary physical custody of J.I.S., and Respondent should be

awarded *no* physical custody at all over J.I.S. in consideration of her inadequacy as a parent and her history of abuse against J.I.S.

14. Regarding the legal custody of J.I.S., the modified Decree provides that Respondent was awarded the sole legal custody and the sole physical custody of J.I.S.; Petitioner currently has no legal or physical custody with respect to J.I.S.; the only document granting control over J.I.S. to Petitioner was the aforementioned power of attorney.

15. However, due to the changes in circumstances and the other compelling reasons outlined above, *and because it is in the very best interest of J.I.S.*, Petitioner should be awarded the *sole emergency, temporary legal custody* of J.I.S., so that Petitioner has the right to make decisions regarding the healthcare and medical needs of J.I.S., as well as decisions over J.I.S.'s schooling.

16. In particular, and as aforementioned, it is expedient that Petitioner be awarded the sole emergency, temporary legal custody of J.I.S. so that Petitioner can make medical decisions with respect to J.I.S., because, as outlined above, J.I.S. is currently suffering from a severe skin condition which causes her skin to burn in the rain, and Respondent is maliciously interfering with the treatment that J.I.S. needs and deserves.

TEMPORARY CHILD SUPPORT ORDERS

Income of the Parties and Temporary Child Support Orders Requested

17. Pursuant to Utah Code § 78B-12-203, and upon information and belief, Respondent's total countable gross monthly income for child support purposes is approximately **\$0.00**, as she is living on disability payments and is not currently in the workforce.

18. Pursuant to Utah Code § 78B-12-203, Petitioner's total countable gross monthly income for child support purposes is approximately **\$5,500.00**.

19. The child support order of the Decree should be temporarily modified, on an *ex parte* basis, according to the pertinent provisions contained in the Utah Code, taking into account the parties' respective incomes.

20. Therefore, pursuant to the Child Support Obligation Worksheet (attached hereto as "**Exhibit A**") produced from the website of the Utah Office of Recovery Services (hereinafter referred to as "**ORS**"), Respondent should pay to Petitioner **\$30.00 per month** in child support.

21. Petitioner, therefore, hereby moves the Court to grant—on an emergency, temporary, and *ex parte* basis—child support to Petitioner from Respondent in the amount of \$30.00 per month.

22. Child support should be paid directly from Respondent to Petitioner; if Respondent becomes delinquent in her child support obligations to Petitioner, Petitioner may engage ORS to collect child support from Respondent.

23. The material changes which occurred in this case include a change in the physical custody of the parties' child—to wit: J.I.S. was removed from Respondent's custody in Georgia on July 22, 2021, due to Respondent's serious, consistent, and aggravated physical, mental, and emotional abuse of J.I.S.

24. The party receiving child support should have the right to cause the income of the party paying child support to be withheld via ORS.

25. If at any time either parent desires to use ORS to collect and/or enforce child support, the obligee or payee parent should be entitled to immediate and automatic income withholding under Utah Code §§ 30-3-5.1 and 62A-11-101 *et seq.*

26. If ORS collects child support, ORS should also collect insurance premiums on behalf of the parties.

27. Notwithstanding the temporary orders to be derived from this Motion, child support for J.I.S. should terminate when J.I.S. becomes 18 years of age or has graduated from high school during their normal and expected year of graduation, whichever occurs later, or when they die, marry, become a member of the armed forces of the United States, or become emancipated pursuant to Utah Code § 78A-6-801.

TEMPORARY PARENTING PLAN AND PARENT-TIME

Temporary Parenting Plan

28. The sole-parenting relationship in this matter—with Petitioner being the sole physical custodian of J.I.S.—should be ordered to continue, on a temporary basis, until J.I.S. turns 18, as said relationship is in the best interests of J.I.S. and would satisfy the emergency needs present in this matter.

29. There should be no other temporary orders pertaining to the parties' parenting plan made herein.

Temporary Parent-Time Orders

30. Regarding temporary parent-time orders between Respondent and J.I.S., because J.I.S. should remain in the sole physical custody of Petitioner, Respondent should be awarded *no* ordered temporary parent-time with J.I.S.; however, Respondent should be allowed temporary

parent-time with J.I.S. at reasonable intervals, during reasonable times, at reasonable places, and via reasonable means (such as video chat or a phone call), *but all under Petitioner's sole discretion and according to J.I.S.'s stated wishes*; alternatively, if compelled by legal process or by this Court's inherent equitable powers, Respondent should be awarded temporary minimum parent-time with J.I.S. as outlined in the Utah Code.

31. Despite Respondent having no parent-time award with respect to J.I.S., J.I.S. should be free to communicate with Respondent, via any method, as J.I.S. pleases.

Temporary Orders Regarding Holidays and Special Dates

32. The special dates the parties wish to observe are Thanksgiving, Christmas, New Year's Eve, the Fourth of July, Memorial Day, Father's Day, Mother's Day, and J.I.S.'s birthday.

33. Petitioner should be ordered to retain, on a temporary emergency basis, the right to keep J.I.S. within his physical custody during all holidays and special dates, except as J.I.S. may desire and as Petitioner allows; i.e., J.I.S. may decide that she wants to spend a holiday or special date with Respondent, and so, if Petitioner allows it, J.I.S. should be allowed to spend that holiday or special date with Respondent.

Best Interest of the Child

34. When assessing what arrangement is in the best interest of J.I.S., factors such as J.I.S.'s medical needs and schooling should be considered.

35. Therefore, upon the foregoing reasons explained herein, it is in the very best interest of J.I.S. to grant temporary orders of child custody, parent-time, and child support to Petitioner as requested herein.

FURTHER TEMPORARY ORDERS

Communication

36. The parties agree that both should be restrained from disparaging the other party to or in the presence of J.I.S., and the parties are to instruct third parties to also be restrained from doing the same.

37. Both parties should be restrained from discussing the legal action or any adult topics with or in the presence of J.I.S., and the parties are to instruct third parties to also be restrained from doing the same.

38. The parties agree not to publish specific details about their custody arrangements with the child, marriage, or divorce online, in print, or any other form that can be distributed to third parties.

39. Petitioner and Respondent should be restrained from discussing the details of this litigation with, or in the presence of, J.I.S.

Miscellaneous

40. Neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule.

41. Each parent should immediately provide the other with his or her current address and telephone number, email address, and other virtual parent-time access information and keep the other party apprised with any changes to such information within 24 hours of any change.

42. This is the end of this Motion.

WHEREFORE, Petitioner, Good Client, hereby respectfully moves this Court to grant temporary, *ex parte*, emergency orders of child custody, parent-time, and child support in this matter, as follows:

- A. that Petitioner be awarded the **sole emergency, temporary physical custody** of J.I.S.;
- B. that Petitioner be awarded the **sole emergency, temporary legal custody** of J.I.S.;
- C. that Respondent be awarded **no** temporary physical custody or temporary legal custody over J.I.S.;
- D. that Respondent be awarded **no** temporary parent-time with J.I.S.;
- E. that Respondent be temporarily ordered to pay **\$30.00 per month** to Petitioner for child support; and
- F. that the Court grant any other, further, and different temporary *ex parte* relief as it may deem just, proper, and equitable under the circumstances of this matter.

DATED September 28, 2022.

/s/ Good Client
Good Client,
Petitioner Pro Se

VERIFICATION

I hereby verify, under criminal penalty under the laws of the state of Utah, that the foregoing is, to the best of my knowledge, true and correct.

Good Client
Printed Name

/s/ Good Client
Signature

Utah County, State of Utah
Signed at (County and State)

September 28, 2022
Date

Exhibit A

IN THE _____ DISTRICT COURT

_____ COUNTY, STATE OF UTAH

GOOD CLIENT _____

vs.

OPPOSING PARTY _____

The Combined Child Support Obligation Table used for calculation is: 78B-12-301
 78B-12-301(1) and 78B-12-302(1)
(Historical)

**CHILD SUPPORT OBLIGATION WORKSHEET
(SOLE CUSTODY AND PATERNITY)**

Civil No. _____

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			1
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$0	\$5,500	
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.	\$0.00	\$5,500.00	\$5,500.00
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$710.00
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	0.00%	100.00%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$0.00	\$710.00	
7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income table per U.C.A. 78B-12-205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.	\$30	\$710	

8. Which parent is the obligor? Mother Father Both
9. Is the support award the same as the guideline amount in line 7? Yes No
If NO, enter the amount(s) ordered: \$ _____ (Father) \$ _____ (Mother) and answer number 10.
10. 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: _____

Attorney Bar No. _____