

Steps to Ask for Temporary Orders Only in a Divorce without Children

Instructions:

Follow these steps to ask for Temporary Orders only.

Do not use these instructions if you need a Temporary Restraining Order (TRO).

Forms Included:

- *Motion for Temporary Orders*
- *Order to Appear*
- *Proposed Support Decision and Information (Movant)*
- *Proposed Support Decision and Information (Non movant)*
- *Temporary Orders*

Talk to a lawyer if you have questions.

Step 1: Fill out these forms.

- *Motion for Temporary Orders*
- *Order to Appear*

Note: You will ask the Court to sign the *Order to Appear* form to order the other party to come to your temporary orders hearing. If you're asking for temporary spousal support, attach a blank *Proposed Support Decision and Information* form to your *Order to Appear* form.

Step 2: Make copies of the Motion. Make a copy for yourself and each party listed in the Petition you or the other party filed to start the case. You can find a copy machine at a library, an office supply or shipping store, and at many courthouses. Call to find out pricing and payment methods for copies.

Step 3: Take completed forms to the courthouse where the Petition was filed. (Or create an account and file online at <https://efile.txcourts.gov/ofswb>.)

File your *Motion for Temporary Orders* with the clerk. The clerk will keep your original and stamp and return your copies to you. Ask the clerk where to go to ask the Court to sign your *Order to Appear* form.

File the *Order to Appear*. Ask the clerk to have your spouse personally served with your *Motion for Temporary Orders* and the *Order to Appear*. If your spouse lives in the county where you are filing, ask the clerk to send the paperwork to the County Sheriff or Constable. If your spouse lives in a different county, ask the clerk how they handle service outside of the county. You may need to contact the other county's sheriff or constable directly. Unless you are low-income and file a *Statement of Inability to Afford Court Costs*, you must pay issuance and service fees. You may get the *Statement of Inability to Afford Court Costs* form from the courthouse or at [TexasLawHelp.org](https://www.texaslawhelp.org).

Step 4: Prepare for your temporary orders hearing.

Ask a lawyer to help you get ready. A lawyer can help you get ready by:

- explaining the law and how it applies to the facts in your case;
- telling you what the Judge expects;
- giving you advice about the best strategy for your case;
- determining the most helpful evidence to present in your case;
- preparing you to testify;
- helping you decide what witnesses to bring;
- preparing questions to ask your witnesses and the other party in court;
- writing proposed orders that are unique to your situation; and/or
- helping you reach an agreement with the other party before the hearing.

Fill out the *Proposed Support Decision and Information* form if you or the other party are asking for temporary spousal support. Bring the completed form and at least two copies to the temporary orders hearing. You **must** give a copy of the completed form to the Judge and the other party **before** the hearing starts.

Fill out the *Temporary Orders* form. Ask a lawyer to review your form if possible.

Practice what you want to say to the Judge. Make a list of the orders you want and practice saying them. Try not to take more than three minutes to say what you want. If possible, go to the courthouse and observe a temporary orders hearing. Court proceedings are usually open to the public.

Make a Trial Notebook. A notebook will help you organize your thoughts and paperwork so that you can present your case to the court more effectively. You may want to include the following in your notebook:

- A list of specific orders you want the Judge to make.
- A list of what you want to tell the Judge when you testify.
- A list of questions to ask the other party in front of the Judge.
- A list of questions to ask your witnesses.
- Any evidence, such as pictures or documents, you would like to show the Judge. (Talk to a lawyer about how to properly introduce your evidence.)

If it's safe, talk to the other side before court. Make a list of the issues you agree on and those you need the Judge to decide.

Step 5: Go to your Temporary Orders Hearing.

Dress neatly. Don't wear shorts, t-shirts with inappropriate words or pictures, tank tops or flip-flops.

Get to the courthouse at least 30 minutes early. You will need to find parking, get through security, and find the correct courtroom.

Bring:

- Money for parking (parking meters accept coins and credit cards only, not dollars).
- A copy of the paperwork you filed with the court.
- Your completed *Proposed Support Decision and Information* form.
- Your trial notebook.
- Extra paper and pens.
- Any witnesses you would like to testify at the hearing.
- Any evidence, such as pictures or documents, you would like to show the Judge (Talk to a lawyer about how to properly introduce your evidence in court.)

Don't bring: weapons **or** children. (Children can be a distraction from the important events taking place and many topics that come up are inappropriate for children to hear. If you must bring children, bring someone with you who can watch them outside the courtroom).

Find your courtroom. If you are unsure ask the deputies at the front door.

While in the courtroom:

- Sit quietly. Watch and listen. This will help you when it's your turn.
- Turn off all cell phones or other electronics (or they may be taken away from you.)
- Don't chew gum or bring food or drinks into the courtroom.
- Stand up when the Judge enters or exits the courtroom.

When it's your turn to be heard:

- Address the Judge as "Your Honor." Stand up when you talk to the Judge (unless you're in the witness stand).
- Be ready to tell the Judge exactly what orders you want. If you get nervous just read from your list.
- Be able to explain why you want those orders. Focus on what is most important.
- Try to control your emotions so that you can tell your story in a way that is understandable.
- When the other side is talking to the Judge, do not interrupt or react by sighing or gesturing. This will hurt your case. Even if you think the other side is being dishonest, wait until it's your turn to talk.
- Be respectful towards the Judge and everyone else in the courtroom at all times.
- If you have a question about how to proceed, ask the Judge.

When the hearing is over, be ready to write down the Judge's decision. Use your list to see if the Judge has made orders about all of the issues you wanted the Judge to decide. Let the Judge know that you have a proposed temporary orders form. The Judge may decide to use your form or may decide to use another form. The Judge may also ask you to hire an attorney to write the temporary orders.

****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner _____ In the _____
Print first, middle and last name of the spouse filing for divorce *Court Number*

And

☐ District Court ☐ County Court of:

Respondent _____ County, Texas
Print first, middle and last name of other spouse

Motion for Temporary Orders

Print your answers.

My name is:

First Middle Last

I am the ☐ Petitioner ☐ Respondent in this case.

My spouse's name is:

First Middle Last

I ask the Court, after notice to my spouse and a hearing, to make the following temporary orders and any appropriate temporary injunctions.

1. Temporary Orders Regarding Use of Property & Payment of Debt

I ask the Court to make temporary orders and issue any appropriate temporary injunctions regarding the use of property and payment of debt, including but not limited to the following:
(Check any applicable boxes)

☐ I ask that the Court give temporary exclusive use and possession of the following **property**:

To me:

☐ Residence located at: _____

☐ Vehicle described as: _____

☐ Other: _____

To my spouse: ☐ Residence located at: _____
 ☐ Vehicle described as: _____
 ☐ Other: _____

☐ I ask that the Court order the timely payment of the **debts** listed below:

Debts to be paid by me:

Debt and name of creditor	Monthly Amount Owed
_____	_____
_____	_____
_____	_____
_____	_____

Debts to be paid by my spouse:

Debt and name of creditor	Monthly Amount Owed
_____	_____
_____	_____
_____	_____
_____	_____

2. Temporary Orders Regarding Interim Attorney's Fees & Temporary Support

I ask the Court to make temporary orders and issue any appropriate temporary injunctions regarding attorney's fees and support, including but not limited to the following:

(Check any applicable boxes)

- ☐ I ask that my spouse be ordered to pay reasonable interim attorney's fees and expenses. I need to hire an attorney for legal advice and representation in this case. However, I am not in control of enough community money or assets to pay attorney's fees and expected expenses.
- ☐ I ask that my spouse be ordered to pay temporary spousal support. I need financial assistance from my spouse, and my spouse has the financial ability to pay temporary support.
- ☐ I ask that my spouse be ordered to provide available medical and dental insurance for me and to pay _____ % of all uninsured medical and dental expenses reasonably incurred by me for myself.

3. Temporary Orders Regarding Discovery

I ask the Court to make temporary orders for discovery, including but not limited to the following:

(Check any applicable boxes)

☐ I ask that my spouse be ordered to file with the Court a sworn inventory and appraisal of all separate and community property owned or claimed by my spouse and/or me and of all debts owed by my spouse and/or me.

☐ I ask that my spouse be ordered to produce copies of his or her income tax returns for the past two years and copies of his or her bank records for the last two years.

☐ Other _____

4. Other Temporary Orders

I ask the Court to make the following additional temporary orders and/or injunctions.

(Check any applicable boxes)

☐ I ask that my spouse be ordered to vacate the Residence on or before: _____ m. on _____ and to remain at least 200 yards away from the Residence until further order of the Court. I ask that I be granted exclusive use and possession of the Residence until further order of the Court.

☐ Other _____

5. Prayer

I ask the Court to make the orders I have asked for in this motion and any other orders to which I am entitled.

Respectfully submitted,



Your Signature

Date

Your Printed Name

Phone

Mailing Address

City

State

Zip

Email Address

Fax # (if any)

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(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner _____ In the _____
Print first, middle and last name of the spouse filing for divorce *Court Number*

And ☐ District Court ☐ County Court of:

Respondent _____ County, Texas
Print first, middle and last name of other spouse

Order to Appear for Temporary Orders Hearing

IT IS **ORDERED** that the clerk shall issue notice to Non movant, _____,
to appear at the _____,
(Courthouse name)

at _____
(Courthouse street address)

and _____ is hereby ORDERED to appear by reporting to the
courtroom of the District Judge or Associate Judge to whom this case is assigns on

_____/_____/_____ at _____ .m.
Month Day Year Time

The Non movant is also **ORDERED** to complete the attached *Proposed Support Decision and Information* form and bring it and the following documents to the hearing: (Check all applicable boxes)

☐ Non movant's tax returns for the past two years

☐ All of Non movant's pay stubs for the past three months

☐ Other _____

The purpose of the hearing is to determine whether the Court should make temporary orders
as requested in the Movant's *Motion for Temporary Orders*.

SIGNED ON _____ at _____ .m.

JUDGE PRESIDING

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(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner _____
Print first, middle and last name of the spouse filing for divorce

In the _____
Court Number

And

☐ District Court ☐ County Court of:

Respondent _____
Print first, middle and last name of other spouse

_____ County, Texas

Proposed Support Decision and Information of _____

(A) GROSS MONEY EARNED PER MONTH:

(1) Gross wages and salary income \$ _____

(2) Commissions, tips and bonuses \$ _____

(3) Self-employment income (net of expenses other than depreciation and tax credits) \$ _____

(4) Rental income (net of expenses other than depreciation) \$ _____

(5) All other income actually received (specify):

_____ \$ _____

_____ \$ _____

GROSS MONEY EARNED PER MONTH \$ _____(A)

(B) ACTUAL DEDUCTIONS PER MONTH – Attach most recent pay stub from each employer.

(1) Income Tax withholding \$ _____

(2) FICA (Social Security) \$ _____

(3) Health Insurance \$ _____

(4) Union dues \$ _____

(5) Other (specify):
_____ \$ _____

_____ \$ _____

TOTAL ACTUAL DEDUCTIONS PER MONTH \$ _____(B)

(C) NET MONEY ACTUALLY RECEIVED PER MONTH. SUBTRACT (B) FROM (A).

\$ _____(C)

(D) STATUTORY NET RESOURCES DEDUCTIONS ALLOWED PER MONTH:

(1) Income tax withholding for a single
person claiming one personal
exemption and standard deduction \$ _____

(2) FICA (Social Security) \$ _____

(3) Health insurance attributable to child(ren) \$ _____

(4) Union dues \$ _____

**STATUTORY NET RESOURCES
DEDUCTIONS ALLOWED PER MONTH: \$ _____(D)**

(E) STATUTORY NET RESOURCES PER MONTH. SUBTRACT (D) FROM (A).

\$ _____(E)

**(F) TOTAL MONEY NEEDED PER MONTH BY ME AND MINOR CHILD(REN)
LIVING WITH ME. For items which are not paid monthly, express the
amount as a monthly average.**

(1) Rent or house payment \$ _____

(2) Real property taxes (omit if part
of house payment) \$ _____

- (3) Residence maint. (repairs, yard) \$ _____
- (4) Insurance – home or renters (omit if part of house payment) \$ _____
- (5) Utilities – Gas \$ _____
- (6) Utilities – Electric and water \$ _____
- (7) Telephone (incl. avg. long dist.) \$ _____
- (8) Utilities – Garbage service \$ _____
- (9) Groceries and household items \$ _____
- (10) Meals away from home \$ _____
- (11) School lunches \$ _____
- (12) Dental and orthodontia \$ _____
- (13) Medical and prescriptions \$ _____
- (14) Laundry and dry cleaning \$ _____
- (15) Car payment \$ _____
- (16) Gas and vehicle maintenance \$ _____
- (17) Clothing and Shoes \$ _____
- (18) Insurance – Car \$ _____
- (19) Insurance – Life \$ _____
- (20) Insurance – Health (omit if payroll deduction) \$ _____
- (21) Child care \$ _____
- (22) Children's activities \$ _____

(23) Entertainment \$ _____

(24) Haircuts \$ _____

(25) Cable TV and newspaper \$ _____

(26) Total monthly payments on debts (list below at G and only show total here) \$ _____

(27) Support or alimony payments to other persons \$ _____

(28) Other (specify):
_____ \$ _____

_____ \$ _____

TOTAL MONEY NEEDED PER MONTH \$ _____

(G) TOTAL MONTHLY PAYMENTS ON DEBTS:

Description Of Debt	Balance Now Owed	Date of Final Payment	Amount of Monthly Payment
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL MONTHLY PAYMENTS ON DEBTS \$ _____(G)

(H) DIFFERENCE BETWEEN MONEY RECEIVED AND MONEY NEEDED.
SUBTRACT (F) FROM (C)

\$ _____ (H)

(I) STATUTORY PRESUMED CHILD SUPPORT. MULTIPLY (E) BY THE
GUIDELINE PRECENTAGE _____ %

\$ _____ (I)

I, _____, would testify under oath in open court that the foregoing information is true and correct. I understand that at such a court hearing I may be required to prove these amounts by testimony and by records such as pay vouchers, cancelled checks, receipts, and bills.

SIGNED this _____ day of _____, 20_____.

Signature of party

I intend to ask the court to set support at \$ _____ per month.

SIGNED this _____ day of _____, 20_____.

Signature of party

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(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner _____
Print first, middle and last name of the spouse filing for divorce

In the _____
Court Number

And

☐ District Court ☐ County Court of:

Respondent _____
Print first, middle and last name of other spouse

_____ County, Texas

Proposed Support Decision and Information of _____

(A) GROSS MONEY EARNED PER MONTH:

(1) Gross wages and salary income \$ _____

(2) Commissions, tips and bonuses \$ _____

(3) Self-employment income (net of expenses other than depreciation and tax credits) \$ _____

(4) Rental income (net of expenses other than depreciation) \$ _____

(5) All other income actually received (specify):

_____ \$ _____

_____ \$ _____

GROSS MONEY EARNED PER MONTH \$ _____(A)

(B) ACTUAL DEDUCTIONS PER MONTH – Attach most recent pay stub from each employer.

(1) Income Tax withholding \$ _____

(2) FICA (Social Security) \$ _____

(3) Health Insurance \$ _____

(4) Union dues \$ _____

(5) Other (specify):
_____ \$ _____

_____ \$ _____

TOTAL ACTUAL DEDUCTIONS PER MONTH \$ _____(B)

(C) NET MONEY ACTUALLY RECEIVED PER MONTH. SUBTRACT (B) FROM (A).

\$ _____(C)

(D) STATUTORY NET RESOURCES DEDUCTIONS ALLOWED PER MONTH:

(1) Income tax withholding for a single
person claiming one personal
exemption and standard deduction \$ _____

(2) FICA (Social Security) \$ _____

(3) Health insurance attributable to child(ren) \$ _____

(4) Union dues \$ _____

**STATUTORY NET RESOURCES
DEDUCTIONS ALLOWED PER MONTH: \$ _____(D)**

(E) STATUTORY NET RESOURCES PER MONTH. SUBTRACT (D) FROM (A).

\$ _____(E)

**(F) TOTAL MONEY NEEDED PER MONTH BY ME AND MINOR CHILD(REN)
LIVING WITH ME. For items which are not paid monthly, express the
amount as a monthly average.**

(1) Rent or house payment \$ _____

(2) Real property taxes (omit if part
of house payment) \$ _____

(23) Entertainment \$ _____

(24) Haircuts \$ _____

(25) Cable TV and newspaper \$ _____

(26) Total monthly payments on debts (list below at G and only show total here) \$ _____

(27) Support or alimony payments to other persons \$ _____

(28) Other (specify):

_____ \$ _____

_____ \$ _____

TOTAL MONEY NEEDED PER MONTH \$ _____

(G) TOTAL MONTHLY PAYMENTS ON DEBTS:

Description Of Debt	Balance Now Owed	Date of Final Payment	Amount of Monthly Payment
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL MONTHLY PAYMENTS ON DEBTS \$ _____(G)

(H) DIFFERENCE BETWEEN MONEY RECEIVED AND MONEY NEEDED.
SUBTRACT (F) FROM (C)

\$ _____ (H)

(I) STATUTORY PRESUMED CHILD SUPPORT. MULTIPLY (E) BY THE
GUIDELINE PRECENTAGE _____ %

\$ _____ (I)

I, _____, would testify under oath in open court that the foregoing information is true and correct. I understand that at such a court hearing I may be required to prove these amounts by testimony and by records such as pay vouchers, cancelled checks, receipts, and bills.

SIGNED this _____ day of _____, 20____.

Signature of party

I intend to ask the court to set support at \$ _____ per month.

SIGNED this _____ day of _____, 20____.

Signature of party

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner _____ In the _____
Print first, middle and last name of the spouse filing for divorce *Court Number*

And

☐ District Court ☐ County Court of:

Respondent _____ County, Texas
Print first, middle and last name of other spouse

Temporary Orders

A hearing took place today on the Motion for Temporary Orders filed in this case.

1. Appearances

The parties in this case are:

Petitioner

The Petitioner's name is: _____
First Middle Last

(Check one box.)

- ☐ Petitioner **was present**, representing him/herself, and announced ready
☐ Petitioner **was present**, representing him/herself, and has agreed to the terms of this order
☐ Petitioner **was not present** but has signed below, agreeing to the terms of this order

Respondent

The Respondent's name is: _____
First Middle Last

(Check one box.)

- ☐ Respondent **was present**, representing him/herself, and announced ready
☐ Respondent **was present**, representing him/herself, and has agreed to the terms of this order
☐ Respondent **was not present** but was properly notified and has defaulted
☐ Respondent **was not present**, but has filed a *Waiver of Service or Answer* and has signed below, agreeing to the terms in this order

2. Jurisdiction

After examining the record and hearing evidence, the Court finds that it has jurisdiction over this case and the parties and that all notice requirements have been met.

3. Temporary Orders Regarding Property and Parties

The Court finds that the following Orders about the property and parties are necessary and equitable.

3A. Temporary Orders Regarding Use of Property

Wife shall have the temporary exclusive use and possession of the following property:

☐ Residence located at: _____

☐ Vehicles: _____

☐ Other: _____

Husband shall have the temporary exclusive use and possession of the following property:

☐ Residence located at: _____

☐ Vehicles: _____

☐ Other: _____

3B. Temporary Orders Regarding Payment of Expenses and Debts

☐ Wife is **ORDERED** to timely pay the following debts:

Name of creditor	Monthly Amount Owed
_____	_____
_____	_____
_____	_____

☐ Husband is **ORDERED** to timely pay the following debts:

Name of creditor	Monthly Amount Owed
_____	_____
_____	_____
_____	_____

3C. Temporary Orders Regarding Interim Attorney's Fees

(Check box below if interim attorney's fees are ordered)

☐ The Court finds that reasonable interim attorney's fees and expenses to be paid by _____ to _____'s attorney are necessary to conduct discovery and properly prepare for trial.

The Court **ORDERS** that _____ pay interim attorney's fees in the Amount of \$ _____ to _____
_____ on or before _____ at 5:00 p.m.
Name and Address of Attorney *Date*

3D. Temporary Orders for Spousal Support

(Check box below if temporary spousal support is ordered)

☐ _____ is **ORDERED** to pay temporary spousal support to _____ in the amount of \$ _____ per month, with the 1st payment due on _____ and a like payment due on the _____ day of each month after that until further order of this Court.

All spousal support shall be paid through _____

3E. Temporary Orders for Discovery

(Check all applicable boxes)

☐ Each party is **ORDERED** to deliver to the other party a sworn inventory and appraisal of all separate and community property owned or claimed by either and/or both parties and of all debts owed by either and/or both parties in substantially the form and detail prescribed by the *Texas Family Law Practice Manual- Inventory and Appraisal* form by the following date: _____.

☐ Each party is **ORDERED** to deliver copies of his or her income tax returns, together with any and all supporting schedules and information for the past 2 years and copies of his or her bank records for the last 2 years to the other party by the following date: _____.

4. Mediation

(Check box below, if mediation is ordered)

☐ The parties are ordered to participate in mediation on or before: _____
(Date)

5. Duration of Order

These Temporary Orders shall continue in full force until further order of this Court.

Signed on: _____  _____
Associate Judge's signature

Signed on: _____  _____
District Judge's signature

This Order may be signed by an Associate Judge or District Judge. Only one signature is needed.

REQUIRED NOTICE: If this Order is signed by an Associate Judge, all parties are hereby notified of the right to appeal to a District Court (for a trial de novo) pursuant to Texas Family Code, Chapter 201.

Approved as to Form and Substance:

By signing below, the Petitioner
agrees to the form and substance of
this order

By signing below, the Respondent
agrees to the form and substance of
this order

Petitioner's name (Print) *Phone Number*

Respondent's name (Print) *Phone Number*

➔ _____
Petitioner's signature *Date*

➔ _____
Respondent's signature *Date*

Address _____

Address _____
