

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

_____,
Petitioner,
v.
_____,
Respondent.

. . .
CASE NO. _____
. . .
ORDER ON
TEMPORARY MATTERS
. . .

On the _____ day of _____, 201__, the above captioned matter came before the Court for determination of temporary custody of the minor child(ren) and related temporary matters. The Court has reviewed the file, examined the exhibits, listened carefully to the testimony of the parties, reviewed the affidavits, and considered the applicable law. In light of the aforementioned factors, the Court rules as follows.

FINDINGS

Petitioner Information:

Name _____
Date of Birth _____
Employer _____
Annual Compensation _____
Cost of Children's Health Insurance _____
Union Dues _____
Qualified Additional Dependents _____
Prior Support Order _____
Mandatory Pension _____
Child Care Expense _____

Respondent Information:

Name _____
Date of Birth _____
Employer _____
Annual Compensation _____
Cost of Children's Health Insurance _____
Union Dues _____
Qualified Additional Dependents _____
Prior Support Order _____
Mandatory Pension _____
Child Care Expense _____

Child(ren) Information:

Name _____
Date of Birth _____
Grade _____

Primary care giver has been: ___Petitioner ___Respondent ___ Joint

Further Findings:

CONCLUSIONS OF LAW

A hearing on Application for Temporary Custody is not a trial on the merits of the custody/physical care issue. A temporary custody order is intended to grant only temporary relief and provide structure in the life of the child during the pendency of this action, when the parents are unable to agree on a custodial arrangement. *In Re Marriage of Swanson*, 586 N.W.2d 527, 529 (Iowa App. 1998).

The first and governing consideration in any custody matter is the best interests of the child. At this point, however, the Court need not determine the long-term best interests of the child, nor which parent would do better in raising the child. Because it is only a temporary placement, factors that deal with long-term care may be given less weight. Gender is irrelevant, and neither party has a greater burden than the other in attempting to gain custody. *In Re Marriage of McElroy*, 475 N.W.2d 221 (Iowa App. 1991).

Until trial on the merits, the Court must ensure that the basic needs of the child will be met. Absent a showing of abuse or neglect, or the basic needs are not being met, the Court is reluctant to disturb the status quo. The parent now serving as the primary caregiver should continue in that role, if possible, to provide needed continuity to the life of the child in what will be a difficult and confusing time. *In Re Marriage of Burkle*, 525 N.W.2d 439, 442 (Iowa App. 1994) (Citing *In Re Marriage of Fennell*, 485 N.W.2d 863, 865 (Iowa App. 1992)).

IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

1. Legal custody, as defined in Iowa Code Section 598.1(5), is awarded as follows:

- Temporary joint legal custody is awarded to the parties.
- Temporary sole legal custody is awarded to the Petitioner.
- Temporary sole legal custody is awarded to the Respondent

2. Temporary primary physical care of the child(ren) is awarded to Petitioner Respondent Joint Physical. If Joint physical has been awarded, the parenting time schedule shall be as follows:

3. The non-custodial parent shall have temporary visitation as follows:

a. Every other weekend starting on _____ at _____ o'clock __.m and ending on _____ at _____ o'clock __.m.

b. Midweek visitation on every _____ from _____ o'clock __.m. to _____ o'clock __.m.

c. Holiday visitation as set forth in Exhibit A which is attached hereto and incorporated herein by reference.

d. Transportation for visitation shall be provided by the party who is receiving the child(ren) into his or her respective care.

e. Other visitation provisions:

f. Nothing in this order prevents both parties from attending extracurricular activities, school functions or medical appointments related to the child.

4. If this box is checked, the _____, as a special condition of receiving visitation, shall refrain from the use of alcohol and all illegal substances during the period of visitation and the 12 hours preceding said visitation.

5. _____ shall pay child support to _____ through the Scott County Clerk of Court by paying the State Disbursement Unit at Collection Services Center, P.O. Box 9125, Des Moines, Iowa 50306, the sum of _____ per month for the care, support, maintenance and education of the minor children. Said monthly child support obligation shall commence on the _____ day of _____, 201____, and be due on the _____ day of each month thereafter.

6. The checked boxes are applicable:

_____ shall provide, as temporary medical support, a health benefit plan pursuant to Iowa Code Chapter 252E (2013). The plan is *accessible* and the cost to add the child(ren) is not more than \$_____ per month, which is determined to be *reasonable*;

_____ shall pay temporary cash medical support in the amount of \$_____ per MONTH, beginning on the _____ day of _____, 201____, and continuing MONTHLY thereafter, and until further order of the Court.

_____ shall provide a health benefit plan that covers the child(ren) when a plan becomes available. However, there must be no cost to add the child(ren) to the plan;

By consent, _____ shall provide, as temporary medical support, a health benefit plan for the child(ren), as provided in chapter 252E.

7. _____ is required to pay the first \$250 out of pocket medical expenses per child or \$800 per year for all children. Any remaining portion shall be paid proportionate to the parties' incomes, with Petitioner paying _____% and Respondent paying _____%. Medical expenses shall include, but not be limited to, costs for reasonable and necessary medical, orthodontia and dental treatment; physical therapy; eye care, including eyeglasses or contact lenses; mental health treatment; substance abuse treatment; prescription drugs; and, any other uncovered medical expense.

8. Court costs associated with this hearing are taxed to the _____.

Dated this _____ day of _____, 201____.

Judge of the Seventh Judicial District

NOTICE

1) Iowa is the proper state in which to enter an order for support, according to 28 USC 1738B, and chapter 252E, and if applicable, 252K. The payor of support is subject to immediate income withholding under section 252D.8(1), and if the payor becomes delinquent, the payor is subject to chapter 252D and the Court or CSRU may order the withholding of payment of support in accordance with 441 IAC chapter 98, division II.

2) According to 598.22B, the payor, payee and any necessary third party shall provide CSRU with written information about the person's identity, social security number, residential and mailing addresses, telephone number, driver's license number; the name, address and telephone number of the party's current employer or other source of income and keep the Unit informed of any changes; and information about health insurance which is available, including health insurance policy information. Due process requirements for notice and service is met upon delivery of written notice to the most recent address filed with the clerk or CSRU, in any subsequent support action initiated by CSRU or the parties, upon showing of diligent effort to ascertain the location of a party. If CSRU is involved, the payor of support is subject to administrative levy pursuant to chapter 252I, interception of income tax refunds, attachment of liens, and sanctioning of licenses and motor vehicle registrations.