

Preparation for Temporary Hearing Instructions for Client

1. Financial Declaration – client must complete by following directions provided. This must be returned to our office. Attorney will review and office staff will prepare from client’s instruction. Client must sign in presence of notary.

2. Affidavits – Judge will not hear testimony at a temporary hearing so the affidavit must be complete and accurate and filed pursuant to Rule 21.

A. Client Affidavit – document must be prepared by client and address all issues requested for relief in the Motion for Temporary Relief.

1. This document will be reviewed by the Judge and used to determine the Temporary Order.
2. Must provide specific examples why relief is being sought
3. Drafts must be provided two weeks before the hearing, depending on case status.
- ***4. **Attorney MUST review ALL AFFIDAVITS before being signed and notarized.** ***
5. Affidavit will be filed with Complaint/MTR, so it needs to be ready at time of filing.

B. Friend/Family –

1. Any additional affidavits must be signed and notarized ten days before the hearing.
2. Must provide drafts to our office two weeks before the hearing.
3. Must be notarized before the hearing, **after approval by attorney.**
4. Should **include personal observations**, but no hearsay.
5. Must be signed in the presence of a notary.

C. Supporting photographs, reports, or anything that supports the case must be submitted to our office 10 business days before the hearing.

D. Must contain the specific language:

“Sworn before me this ____ day of _____, 20 __.

(Signature of Notary)

My Commission Expires: _____.”

E. All affidavits in child custody cases should give examples of how client has been a good parent, plays ball, helps with homework, takes to doctor, stays home with sick child, etc.... The affidavit should also illustrate through examples that the client is the primary caregiver. It may also include problems or concerns associated with the opposing party.

1. Example: *My name is John Smith. I am the neighbor of (use client’s name). I see client every week/month/day ... I see client and child/children involved in different activities, taking to school, etc.... I know he/she is a good a parent because...*

F. All affidavits requesting alimony or support, or opposing the same, should include examples of sacrifices made for marriage, contributions to marriage, and potential income of both spouses. It may also include problems or concerns associated with the opposing party.

1. Example: *My name is Jane Doe. I know client. I have visited client’s home daily/monthly/weekly. I know client has been a devoted spouse because I have observed ...*