

403.160 Temporary orders -- Maintenance, child support, injunction -- Disclosure of information on domestic violence or child abuse.

- (1) In a proceeding for dissolution of marriage or for legal separation, or in a proceeding for disposition of property or for maintenance or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (2)
 - (a) In a proceeding for dissolution of marriage, legal separation, or child support, either party, with notice to the opposing party, may move for temporary child support. The motion shall be accompanied by an affidavit setting forth the number of children of the marriage and the information required to calculate the combined adjusted parental gross income set forth in KRS 403.212(2)(g), and the Social Security numbers, provided in accordance with KRS 403.135, of all parties subject to the motion. The court shall, within fourteen (14) days from the filing of said motion, order an amount of temporary child support based upon the child support guidelines as provided by law, and the ordered child support shall be retroactive to the date of the filing of the motion unless otherwise ordered by the court.
 - (b) Upon a showing of good cause, either party may move the court to enter an order for temporary child support without written or oral notice to the adverse party. After reviewing the affidavit required by paragraph (a) of this subsection, the court may issue a temporary child support order based upon the child support guidelines. The order shall provide that the order becomes effective seven (7) days following service of the order and movant's affidavit upon the adverse party unless the adverse party, within the seven (7) day period, files a motion for a hearing before the court. The motion for hearing shall be accompanied by the affidavit required by paragraph (a) of this subsection. Pending the hearing, the adverse party shall pay child support in an amount based upon the guidelines and the adverse party's affidavit. The child support order entered following the hearing shall be retroactive to the date of the filing of the motion for temporary support unless otherwise ordered by the court.
- (3) As part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary injunction or restraining order pursuant to the Rules of Civil Procedure.
- (4) If the court or agent of the court is made aware that there is reasonable evidence of domestic violence or child abuse, the court shall determine whether disclosure to any other person of the information could be harmful to the parent or child, and if the court determines that disclosure to any person could be harmful, the court and its agents shall not make the disclosure.
- (5) On the basis of the showing made and in conformity with KRS 403.200, the court may issue a temporary injunction or restraining order and an order for temporary maintenance in amounts and on terms just and proper in the circumstances.

- (6) A temporary order or temporary injunction:
- (a) Does not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;
 - (b) May be revoked or modified before final decree on a showing of the facts necessary to revocation or modification under the circumstances; and
 - (c) Terminates when the final decree is entered or when the petition for dissolution or legal separation is voluntarily dismissed.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 126, sec. 3, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 430, sec. 15, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 255, sec. 18, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 365, sec. 5, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 9, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 418, sec. 7, effective July 13, 1990. -- Created 1972 Ky. Acts ch. 182, sec. 6.

Legislative Research Commission Note (7/14/2000). Although House Committee Amendment 1 (adopted by the House of Representatives and concurred in by the Senate) to the General Assembly version of Senate Bill 218 eliminated a new paragraph (c) in KRS 403.212(2) that had required a conforming amendment to this statute to change a cross-reference from "KRS 403.212(2)(g)" to "KRS 403.212(2)(h)" in subsection (2)(a) of this statute, the conforming amendment was not corrected in the floor amendment. Because of this omission and because of the context of the cross-reference, the change in subsection (2)(a) of this statute constitutes a manifest clerical or typographical error and has not been included in codification. See KRS 7.136(1)(h).