

1 **Rule 109. Injunction in certain domestic relations cases.**

2 (a) **Actions in which a domestic injunction enters.** Unless the court orders otherwise,
3 in an action for divorce, annulment, temporary separation, custody, parent time,
4 support, or paternity, the court will enter an injunction when the initial petition is filed.
5 Only the injunction's applicable provisions will govern the parties to the action.

6 (b) **General provisions.**

7 (1) If the action concerns the division of property then neither party may transfer,
8 encumber, conceal, or dispose of any property of either party without the written
9 consent of the other party or an order of the court, except in the usual course of
10 business or to provide for the necessities of life.

11 (2) Neither party may, through electronic or other means, disturb the peace of,
12 harass, or intimidate the other party.

13 (3) Neither party may commit domestic violence or abuse against the other party
14 or a child.

15 (4) Neither party may use the other party's name, likeness, image, or
16 identification to obtain credit, open an account for service, or obtain a service.

17 (5) Neither party may cancel or interfere with telephone, utility, or other services
18 used by the other party.

19 (6) Neither party may cancel, modify, terminate, change the beneficiary, or allow
20 to lapse for voluntary nonpayment of premiums, any policy of health insurance,
21 homeowner's or renter's insurance, automobile insurance, or life insurance
22 without the written consent of the other party or pursuant to further order of the
23 court.

24 (c) **Provisions regarding a minor child.** The following provisions apply when a minor
25 child is a subject of the petition.

1 (1) Neither party may engage in non-routine travel with the child without the
2 written consent of the other party or an order of the court unless the following
3 information has been provided to the other party:

4 (A) an itinerary of travel dates and destinations;

5 (B) how to contact the child or traveling party; and

6 (C) the name and telephone number of an available third person who will
7 know the child's location.

8 (2) Neither party may do the following in the presence or hearing of the child:

9 (A) demean or disparage the other party;

10 (B) attempt to influence a child's preference regarding custody or parent
11 time; or

12 (C) say or do anything that would tend to diminish the love and affection
13 of the child for the other party, or involve the child in the issues of the
14 petition.

15 (3) Neither party may make parent time arrangements through the child.

16 (4) When the child is under the party's care, the party has a duty to use best
17 efforts to prevent third parties from doing what the parties are prohibited from
18 doing under this order or the party must remove the child from those third
19 parties.

20 (d) Service. The court will serve the injunction on the petitioner at the time the petition
21 is filed. The petitioner must provide the respondent with a copy of the injunction as
22 entered by the court through any means reasonably calculated to give notice.

23 ~~(e)~~ **When the injunction is binding.** The injunction is binding

24 (1) on the petitioner upon filing the initial petition; and

1 (2) on the respondent after filing of the initial petition and upon receipt of a copy
2 of the injunction as entered by the court.

3 | **(ef) When the injunction terminates.** The injunction remains in effect until the final
4 decreed is entered, the petition is dismissed, the parties otherwise agree in a writing
5 signed by all parties, or further order of the court.

6 | **(fg) Modifying or dissolving the injunction.** A party may move to modify or dissolve
7 the injunction.

8 (1) Prior to a responsive pleading being filed, the court shall determine a motion
9 to modify or dissolve the injunction as expeditiously as possible. The moving
10 party must serve the nonmoving party at least 48 hours before a hearing.

11 (2) After a responsive pleading is filed, a motion to modify or to dissolve the
12 injunction is governed by Rule 7 or Rule 101, as applicable.

13 | **(gh) Separate conflicting order.** Any separate order governing the parties or their
14 minor children will control over conflicting provisions of this injunction.

15 | **(hi) Applicability.** This rule applies to all parties other than the Office of Recovery
16 Services.