**INSTRUCTIONS FOR EXAMPLE MOTION AND ORDER FOR REQUIRED USE OF TALKINGPARENTS SERVICE**

**CRIMINAL AND RESTRAINING ORDER CASES**

**When should these documents be used?**

This motion and order can be used when a parent is charged with a crime involving domestic violence or when a parent is subject to a restraining order or other protective injunction involving domestic violence. This motion and order can be adapted to modify the terms of pretrial release or probation in a criminal case or the terms of a restraining order or other injunction. These example documents include optional provisions that may be useful depending on the circumstances at issue in your case.

**Can these documents be used as-is?**

The motion and order below may be used as-is, but we highly recommend using these documents as a starting point for your case-specific motions and orders. This motion and order contains some typical provisions and other optional provisions, but ideally you will create your own to best fit the circumstances of the case at issue. You may also need to make significant changes to formatting and content to ensure compliance with your court’s rules and procedures.

**What if I need a motion and order for a civil case like a divorce, paternity, child support, or visitation modification?**

Go to <https://legal.talkingparents.com/use-cases> to find an example motion and order for these types of cases.

**Do I always need to file a written motion and proposed order?**

These example forms are intended for use as a starting point for attorneys to draft their own case-specific documents. If you are not sure what may be required by your court or for your case, we must recommend you consult with a qualified local attorney or other appropriate resource.

Go to <https://legal.talkingparents.com/home> to find an example motion and order for these types of cases.

**CASE STYLE**

**MOTION FOR REQUIRED USE OF TALKINGPARENTS SERVICE AS A CONDITION OF PRETRIAL RELEASE | PROBATION | RESTRAINING ORDER | OTHER INJUNCTION FOR PROTECTION**

COMES NOW \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, by and through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and moves this Honorable Court for an Order Requiring The Use Of TalkingParents by Defendant/Respondent and as grounds for this motion states:

1. Defendant/Respondent and the Alleged Victim/Victim/Petitioner are parents to at least one minor child.
2. A No Contact or No Violent Contact order is either in place currently or expected to be imposed by the court for this matter.
3. Defendant/Respondent and the Alleged Victim/Victim/Petitioner may still need to communicate regarding their minor child(ren).
4. The TalkingParents service allows parents to communicate without knowing one another’s telephone number, email address, physical address, or any other actual contact information. Further, all communication through the TalkingParents service is thoroughly documented and unalterable by either party. Complete Records of all communications and interactions through the service are available to both parties at all times.
5. For the safety of all involved parties, the court should require that all communication and interaction between the Defendant/Respondent and Alleged Victim/Victim/Petitioner be limited to the TalkingParents service. Any communication initiated by Defendant/Respondent with the Alleged Victim/Victim/Petitioner outside the TalkingParents service will be a violation of the applicable no-contact or no-violent-contact order.
6. The requirement to use TalkingParents should be imposed as a condition of Pretrial Release or Probation if appropriate. If the requirement is imposed as a condition of Pretrial Release, then it should be continued for any future order of probation.
7. The requirement to use TalkingParents should be imposed as a condition of any restraining order or other injunction for protection. If the requirement is imposed as a condition of a temporary or initial injunction, then it should be continued as a condition of any extended injunction.
8. Defendant/Respondent should be required to provide a copy of their TalkingParents Record to their Pretrial Release/Probation officer or any member of law enforcement within \_\_\_\_\_\_ hours of a request to do so.
9. TalkingParents is available on any internet-connected device, including computers, tablets, and smartphones. Devices can connect to the internet via a wired, wireless (Wi-Fi), or cellular data connection.
10. TalkingParents can be utilized via the web browser on any such device by visiting [www.talkingparents.com](http://www.talkingparents.com). TalkingParents is also available through device-specific apps for iPhone and Android. The parties can access their TalkingParents account anytime via any of these methods.
11. The Court should inquire as to whether the Defendant/Respondent has access to such an internet-connected device necessary for the use of TalkingParents and take this matter into account when requiring use of a free or paid TalkingParents account. The Defendant/Respondent can create and access a free TalkingParents account on any internet-connected computer such as those available at the Public Library.
12. It is requested that Defendant/Respondent be required to use the TalkingParents service with the following parameters:
* Defendant/Respondent must go to [www.talkingparents.com](http://www.talkingparents.com) and create a TalkingParents account within \_\_\_ days of the order requiring use of TalkingParents.
* Defendant/Respondent is required to utilize the following TalkingParents features and maintain an account at the appropriate level:
	+ Messaging – Available for Free accounts
	+ Shared Calendar – Available for Free accounts
	+ Receive Accountable Payments – Available for Free accounts
	+ Receive phone calls – Available for Free accounts
	+ Receive video calls – Requires Standard Account for mobile app access
	+ Send Accountable Payments – Requires Standard account and mobile app access
	+ Make phone and video calls – Requires Premium account
* The Defendant/Respondent may maintain a TalkingParents account above the level required by this order and utilize any other TalkingParents features if they choose to do so.
* All payments between parties shall be made through the TalkingParents Accountable Payments feature.
1. The requested Order Requiring The Use Of TalkingParents by Defendant/Respondent should remain in place for the duration of any no-contact or no-violent contact order unless the Court enters a new order regarding the matter.

WHEREFORE, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ respectfully requests that this Honorable Court grant this Motion and issue an Order Requiring The Use Of TalkingParents by Defendant/Respondent for the above-styled case.

Respectfully Submitted,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CERTIFICATE OF SERVICE

I certify that a copy of this document was ( ) mailed ( ) faxed and mailed ( ) e-mailed ( ) hand-delivered to the person(s) listed below on *{date}*.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designated E-mail Address(es):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of Petitioner

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designated E-mail Address(es): \_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CASE STYLE**

**ORDER ON MOTION FOR REQUIRED USE OF TALKINGPARENTS**

THIS CAUSE having come before this Court upon \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s Motion to Require Use of TalkingParents. The Court having heard argument of counsel and being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED that the motion is hereby GRANTED/DENIED with the following provisions:

1. The requirement for the Defendant/Respondent to use TalkingParents is imposed as a condition of the No-Contact or No-Violent-Contact order in the above-styled case.
2. Defendant/Respondent is required to provide a copy of their TalkingParents Record to their Pretrial Release/Probation officer or any member of law enforcement within \_\_\_\_\_\_ hours of a request to do so.
3. The Court finds that the Defendant/Respondent has adequate access to an appropriate internet-connected device necessary for the use of TalkingParents pursuant to this order.
4. The Court finds that the Defendant/Respondent has the ability to pay for and maintain a TalkingParents account at the level required by this order.
5. Defendant/Respondent is required to use the TalkingParents service with the following parameters:
* Defendant/Respondent must go to [www.talkingparents.com](http://www.talkingparents.com) and create a TalkingParents account within \_\_\_ days of the order requiring use of TalkingParents.
* Defendant/Respondent is required to utilize the following TalkingParents features and maintain an account at the appropriate level:
	+ Messaging – Available for Free accounts
	+ Shared Calendar – Available for Free accounts
	+ Receive Accountable Payments – Available for Free accounts
	+ Receive phone calls – Available for Free accounts
	+ Receive video calls – Requires Standard account for mobile app access
	+ Send Accountable Payments – Requires Standard account and mobile app access
	+ Make phone and video calls – Requires Premium account
* The Defendant/Respondent may maintain a TalkingParents account above the level required by this order and utilize any other TalkingParents features if they choose to do so.
* All payments between parties shall be made through the TalkingParents Accountable Payments feature.
1. This Order Requiring the Use of TalkingParents by Defendant/Respondent will remain in full force and effect for the duration of any no-contact or no-violent contact order in place for the above-styled case unless the Court enters a new order regarding the matter.

DONE AND ORDERED at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_ day of \_\_\_\_, \_\_\_\_\_\_\_\_, 200\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE

Copies furnished to: