

**403.350 Affidavit required with motion for temporary custody order or for modification of custody decree.**

A party seeking a temporary custody order or modification of a custody decree shall submit together with his moving papers an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceeding, who may file opposing affidavits. If a court determines that a child is in the custody of a de facto custodian, the court shall make the de facto custodian a party to the proceeding. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 250, sec. 4, effective July 15, 1998. -- Created 1972 Ky. Acts ch. 182, sec. 25.