

NO. _____-CV-____

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IN THE 81ST & 218TH JUDICIAL DISTRICT

COURTS

FRIO | KARNES | LASALLE | WILSON COUNTY, TEXAS

STANDING ORDER REGARDING CHILD(REN), PROPERTY, AND CONDUCT OF PARTIES IN DIVORCE AND SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

1. INTRODUCTION

No party to this suit requested this order. Rather, this order is a standing order adopted by the 81st & 218th District Courts because the parties and their child(ren) should be protected, and their property preserved while their suit is pending before the Court.

This standing order applies in every divorce suit, and every suit affecting the parent-child relationship filed in Atascosa County, excluding suits filed by the Texas Department of Family and Protective Services, and the Texas Attorney General’s Office.

In a divorce suit, the term "party" or “parties” means a spouse. In a suit affecting the parent-child relationship, the term "party" or “parties” means each parent of a child, or other person who has been appointed, or seeking appointment, as a managing conservator or possessory conservator of a child.

2. NO DISTURBANCE OF THE CHILD(REN)

All parties are ORDERED to refrain from doing the following acts concerning any child(ren) who are subjects of this suit:

- 2.1. Removing the child(ren) from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of the Court.
- 2.2. Disrupting or withdrawing the child(ren) from the school or day-care facility where the child(ren) is presently enrolled, without the written agreement of both parties or an order of the Court.
- 2.3. Hiding or secreting the child(ren) from another party or changing the child(ren)'s current residence, without the written agreement of both parties or an order of the Court.
- 2.4. Disturbing the peace of the child(ren).
- 2.5. Making disparaging remarks about another party or another party's family members, to include but not be limited to the child(ren)'s grandparents, aunts, uncles, or stepparents.
- 2.6. Discussing with the child(ren), or with any other person in the presence of the child(ren), any litigation related to the child(ren) or another party.
- 2.7. Consuming any illegal controlled substance (as that term is defined in the Texas Controlled Substance Act), 12 hours prior to and during possession of the child(ren).
- 2.8. If this is an original divorce action, allowing anyone with whom the party has a dating relationship to stay overnight while in possession of the child(ren). “Overnight” is defined as beginning at 10:00 p.m. and ending at 7:00 a.m.

3. CONDUCT OF THE PARTIES DURING THE SUIT

All parties, their agents, servants, and/or employees, are ORDERED to refrain from doing the following acts:

- 3.1. Intentionally communicating in person or in any other manner, including by telephone, or another electronic voice transmission, video chat, in writing, or electronic messaging with another party by use of vulgar, profane, obscene, or indecent language, or coarse or offensive manner, to communicate with another party.
- 3.2. Threatening another party in person or in any other manner, including by telephone, or in another electronic voice transmission, video chat, in writing or electronic messaging, to that unlawful action against any person, intending by this action to annoy or alarm another party.
- 3.3. Placing a telephone call, anonymously, at an unreasonable hour, in an offensive or repetitious manner without a legitimate purpose of communication with the intent to annoy or alarm another party.
- 3.4. Intentionally, knowingly, or recklessly causing bodily injury to another party or to a child of either party.
- 3.5. Threatening another party, or a child, or other family member of any party, or a person with whom another party has a dating relationship, with imminent bodily injury.
- 3.6. Opening or diverting mail or email or any other electronic communication addressed to another party.

4. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING A DIVORCE SUIT

If this is a divorce suit, both parties to the marriage, their agents, servants, and/or employees, are ORDERED to refrain from doing the following:

- 4.1. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party.
- 4.2. Misrepresenting or refusing to disclose to the other party or the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information.
- 4.3. Damaging or destroying the tangible or intellectual property of the parties or either party including electronically stored or recorded information.
- 4.4. Tampering with the tangible or intellectual property of the parties or either party, including electronically stored or recorded information, and causing pecuniary loss of substantial inconvenience to the other party.
- 4.5. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any property of the parties or either party, regardless of whether the property is personal property, real property, or intellectual property and whether separate or community, except as specifically authorized by this order.
- 4.6. Incurring any indebtedness, other than legal expenses, in connection with this suit, except as specifically authorized by this order.
- 4.7. Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 4.8. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

- 4.9. Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account of either party, except as specifically authorized by this order.
- 4.10. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 4.11. Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 4.12. Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 4.13. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary while this suit is pending.
- 4.14. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, including security, pest control, landscaping, or yard maintenance at the residence of either party, or in any manner attempting to withdraw any deposits for service in connection with those services.
- 4.15. Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
- 4.16. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
- 4.17. Deleting any data or content from any social network profile used or created by either party, or a child of the parties.
- 4.18. Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account.
- 4.19. Excluding the other party from the use and enjoyment of a specifically identified residence of the other party.

5. PERSONAL AND BUSINESS RECORDS IN A DIVORCE SUIT

If this is a divorce suit, both parties to the marriage, their agents, servants, and/or employees, are ORDERED to refrain from doing the following acts:

- 5.1. Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations including electronic records.
- 5.2. Falsifying any writing or record, including an electronic record, relating to the property of either party.

"Records" include e-mail or other digital or electronic data, whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

6. INSURANCE IN A DIVORCE SUIT

If this is a divorce suit, both parties to the marriage, their agents, servants, and/or employees, are ORDERED to refrain from doing the following acts:

- 6.1. Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party or a child of the parties, except as specifically authorized by this order.

- 6.2. Charging or in any manner altering the beneficiary designation on any life insurance on the life of either party or a child of the parties.
- 6.3. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties.

7. SPECIFIC AUTHORIZATION IN A DIVORCE SUIT

If this is a divorce suit, both parties to the marriage are specifically authorized to do the following:

- 7.1. To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
- 7.2. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses, in connection with this suit.
- 7.3. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.
- 7.4. To make withdrawal from accounts in financial institutions only for the purposes authorized by this order.

8. SERVICE AND APPLICATION OF THIS ORDER

- 8.1. The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented. The Clerk shall not be required to make a paper copy for the Clerk's file and such orders are still incorporated therein.
- 8.2. This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition and is renewed for subsequent periods of every fourteen days thereafter until a temporary injunction is ordered. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of the Court. This entire order will terminate and will no longer be effective once the Court signs a final order.

9. EFFECT OF OTHER ORDERS

If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order, including an order made when the original petition is filed, remains in full force and effect until the Court signs a final order.

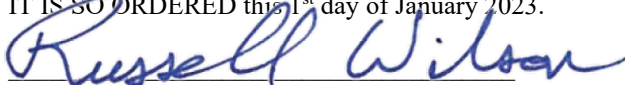
10. PARTIES ARE ENCOURAGED TO MEDIATE

The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this suit.

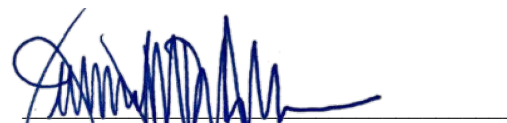
11. BOND WAIVED

It is ORDERED that the requirement of a bond is waived.

IT IS SO ORDERED this 1st day of January 2023.



JUDGE RUSSELL WILSON
218TH District Court



JUDGE JENNIFER M. DILLINGHAM
81ST District Court