

223RD DISTRICT COURT
GRAY COUNTY, TEXAS

STANDING ORDER

CHILDREN, PROPERTY, AND CONDUCT OF PARTIES IN
SUITS FOR DIVORCE AND
SUITS AFFECTING PARENT-CHILD RELATIONSHIP

No party to this lawsuit has requested this **order**. Rather, this **order** is a **STANDING ORDER** of the 223rd Judicial District Court, Gray County, Texas, that applies in every divorce suit and every suit affecting the parent-child relationship filed in the 223rd Judicial District Court, Gray County, Texas. The 223rd Judicial District Court, Gray County, Texas, has adopted this **order** because the parties, their children and family pets should be protected and their property preserved while the lawsuit is pending before the Court.

THIS STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES IS BINDING ON (1) THE PARTIES, (2) THE PARTIES' OFFICERS, AGENTS, SERVANTS, EMPLOYEES, AND ATTORNEYS, AND (3) ANY OTHER PERSON WHO ACTS IN CONCERT WITH THE PARTIES OR THEIR AGENTS AND WHO RECEIVES ACTUAL NOTICE OF THESE ORDERS, AND IS ENFORCEABLE BY CONTEMPT OF COURT, INCLUDING A FINE OF UP TO \$500.00, CONFINEMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH SUCH FINE AND CONFINEMENT IN JAIL FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

IT IS THEREFORE ORDERED:

1. **NO DISRUPTION OF CHILDREN.** All parties are ORDERED to refrain from doing the following acts concerning the children who are the subject of this suit:
 - a. Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an **order** of this Court.
 - b. Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled without the written agreement of both parents or an **order** of this Court.
 - c. Hiding or secreting the children from the other parent or changing the children's current place of abode without written agreement of both parents or an **order** of this Court; provided, however, this provision shall not prohibit or restrict a party from changing such place of abode if an active prior order gives that party the right to designate the

children's primary residence without geographic restriction, or if the new place of abode lies within the geographic limits established by that active prior court order.

- d. Disturbing the peace of the children.
- e. Making disparaging remarks about each other or the other person's family members, to include but not be limited to the children's grandparents, aunts, uncles, or stepparents.
- f. Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.
- g. If this is an original divorce action, allowing anyone with whom the party has a dating relationship or with whom the party is romantically involved to be in the same dwelling or on the same premises over night while in possession of the children. Overnight is defined as being from 10:00 p.m. until 7:00 a.m.

2. **PROTECTION OF FAMILY PETS OR COMPANION ANIMALS.**

Both parties are to refrain from harming, threatening, interfering with the care, custody, or control of a pet, companion animal, that is possessed by a person protected by this **order** or by a member of the family or household of a person protected by this **order**.

3. **CONDUCT OF THE PARTIES DURING THE CASE.** All parties **ORDERED** to refrain from doing the following acts:

- a. 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 the other party using vulgar, profane, obscene, or indecent language, or in a coarse or offensive manner, with intent to annoy or alarm the other party.
- b. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person.
- c. Placing one or more telephone calls, text messages or tweets, or any other communication by any electronic means, at an unreasonable hour, in an offensive or repetitious manner, or anonymously, without a legitimate purpose of communication, with intent to annoy or alarm the other party.
- d. 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 the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party.

- e. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.
- f. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.
- g. Threatening the other party or a child of either party with imminent bodily injury.

4. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from the following conduct:

- a. Intentionally, knowingly, or recklessly destroying, removing, concealing encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage.
- b. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.
- c. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties, regardless of whether it is personal or real property and whether it is claimed as separate or community property.
- d. Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, regardless of whether it is personal or real property and whether it is claimed as separate or community property, including electronically stored or recorded information.
- e. Damaging, destroying or tampering with the tangible or intellectual property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party, regardless of whether it is personal or real property and whether it is claimed as separate or community property, including electronically stored or recorded information.

- f. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property and whether it is claimed as separate or community property, except as specifically authorized by this **order** or a subsequent **order** of this Court.
- g. Incurring any indebtedness, including cash advances from a credit card or line of credit, other than legal expense in connection with this suit, except as specifically authorized by this **order** or a subsequent **order** of this Court.
- h. Making withdrawals or transfers from any account in any financial institution for any purpose, except as specifically authorized by this **order** or a subsequent **order** of this Court.
- i. Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this **order** or a subsequent **order** of this Court.
- j. 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, except as specifically authorized by this **order** or a subsequent **order** of this Court.
- k. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- l. Taking any action to terminate, close, restrict, or limit lines of credit, credit cards, charge cards, or financial accounts in the name of or subject to the control of the other party, whether owned individually or jointly, except by subsequent order or written agreement signed by each party permitting such action.
- m. Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- n. Discontinuing or altering the withholding for federal income taxes on wages or salary while this suit is pending.
- o. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, internet, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in

connection with such services.

- p. Unlawfully intercepting or recording the other party's electronic communications.
 - q. Opening, diverting, or disposing of mail or other electronic communication addressed to the other party.
 - r. Excluding the other party from the use and enjoyment of the other party's residence.
 - s. Communicating with the other party's employer or a person with whom the other party has a business relationship without a legitimate purpose.
 - t. Entering any safe deposit box in the name of or subject to the control of a party, whether owned individually or jointly, except by subsequent court **order** or written agreement signed by each party permitting such entrance.
5. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** "Records" as used herein means any tangible document or recording and includes e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device. If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:
- a. Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
 - b. Falsifying any writing or record relating to the property of either party.
6. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:
- a. 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 the child of the parties, except as specifically authorized by this **order** or a subsequent **order** of this Court.
 - b. Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
 - c. Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.
7. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case,

both parties to the marriage are specifically authorized to do the following:

- a. Engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
- b. Make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
- c. Make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- d. Make withdrawals from accounts in financial institutions only for the purposes authorized by this **order**.

8. SERVICE AND APPLICATION OF THIS ORDER.

- a. 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 a copy of this **order** is attached to the petition and every copy of the petition presented at Petitioner's expense.
- b. 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 (14) days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen (14) 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 this court. This entire **order** will terminate and will no longer be effective at the time the court signs a final **order**.
- c. On a Motion for Enforcement, any party found to have violated the provisions of this **order** is subject to all remedies available including reasonable and necessary attorney fees awarded against that party.

9. EFFECT OF OTHER COURT ORDERS. If any part of this **order** conflicts with 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** remains in full force and effect until the court signs a final order or decree.

10. PARTIES ENCOURAGED TO MEDIATE/COLLABORATE. 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, informal settlement conferences (if appropriate) or the collaborative law process, to resolve the conflicts that may arise in this lawsuit. If the Court deems it necessary or advisable, mediation or other alternative dispute resolution may be ordered. If mediation or other

alternative dispute resolution is ordered a final hearing will be heard only after any ordered mediation or other alternative dispute resolution is conducted.

11. **BOND WAIVED.** It is **ORDERED** the requirement of a bond is waived.
12. **APPLICATION FOR EX PARTE ORDERS.** By presenting any application for an ex parte order, counsel is deemed to represent to the Court that:
 - a. to the best of counsel's knowledge, the party against whom relief is sought is not represented by counsel; or
 - b. if the party against whom relief is sought is represented by counsel, (i) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (ii) counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstances do not permit additional efforts to give such notice. Counsel will attach a Certificate of Conference certifying counsel's discussions or attempts at discussions with opposing counsel and the results of such discussions.
13. **TIME LIMITS IN HEARINGS ON TEMPORARY ORDERS.**
 - a. In all matters in which temporary managing conservatorship is in issue, the parties shall be given two (2) hours to present the case, which time shall be equally divided.
 - b. In all other matters, including a modification of a temporary order, the parties shall be given one (1) hour to present the case, which time shall be equally divided.
 - c. If counsel determines the above time limits are not workable or insufficient due to exigent or unusual circumstances, the Court may make additional time available as the Court deems necessary and advisable to see that justice is done.
 - d. Cross-examination of the other party's witnesses counts against a party's time.
14. **DOCUMENTS REQUIRED IN TEMPORARY ORDERS HEARINGS.** In all cases in which temporary child support and/or temporary spousal is in issue, each party shall be required to furnish to the Court prior to any hearing:
 - a. A statement of monthly income and expenses in a form substantially similar to the form contained in the current Texas Family Law Practice manual published by the State Bar of Texas or in a form approved by this Court prior to any hearing.

And furnish to other counsel:

- b. Copies of that party's federal income tax returns for the two calendar years prior to the temporary orders hearing.
- c. All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the temporary orders hearing and from January 1 of the current year through the date of the temporary orders hearing.

15. **PROPOSED PROPERTY DIVISION FORM REQUIRED.** In all cases in which the character, value or division of property or debts is in issue, each party shall deliver to the Court at least two (2) days prior to the final hearing a proposed property division including all of the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties. Such proposed property division shall be in a form substantially similar to the form found in the current Texas Family Law Practice manual published by the State Bar of Texas or in a form substantially similar which is approved by the Court prior to the hearing.

16. **STANDARD POSSESSION AND ACCESS FOR CHILDREN UNDER THREE YEARS OLD.** In all cases involving children under 3 years of age, unless the parties agree otherwise or there are unusual and exceptional circumstances, the following possession and access shall apply:

a. TO 6 MONTHS OF AGE:

- i. 1st, 3rd, 5th weekend: between 8:00 a.m. and 7:00 p.m. on Saturday for two (2) hours and Sunday for two (2) hours at the residence of the one with custody.
- ii. Thursday - 6:00 p.m. to 7:00 p.m. at residence of the one with custody.
- iii. Father's Day or Mother's Day – two (2) hours between 8:00 a.m. and 7:00 p.m. at the residence of one with custody.
- iv. Christmas Day – two (2) hours between 12:00 Noon and 7:00 p.m. at the residence of the one with custody.
- v. Child's Birthday – two (2) hours from 5:00 p.m. to 7:00 p.m. at residence of one with custody.

b. 6 MONTHS TO ONE YEAR OF AGE:

- i. 1st, 3rd & 5th weekend: Saturday from 12:00 Noon to 4:00 p.m. and Sunday from 12:00 Noon to 4:00 p.m.

- ii. Thursday from 6:00 p.m. to 7:00 p.m.
- iii. Father's Day or Mother's Day from 12:00 Noon to 4:00 p.m.
- iv. Christmas Day from 12:00 Noon to 4:00 p.m.
- v. Child's Birthday from 5:00 p.m. to 7:00 p.m.

c. ONE YEAR TO 18 MONTHS OF AGE:

- i. 1st & 5th weekends on Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 12:00 Noon to 8:00 p.m.
- ii. 3rd weekend – Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- iii. Thursday - Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- iv. Father's Day or Mother's Day - Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- v. Christmas Day - Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- vi. Summer – two (2) one week periods between June 1 and August 15, if designated by May 1. If not designated by May 1, 1st Friday in June at 6:00 p.m. until and ending at 6:00 p.m. seven (7) days later and additionally beginning the 3rd Friday in July at 6:00 p.m. and ending at 6:00 p.m. seven (7) days later.

d. 18 MONTHS TO 3 YEARS OF AGE:

- i. 1st and 3rd weekends – Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- ii. 5th weekend – Saturday from 8:00 a.m. to 8:00 p.m. and Sunday from 12:00 Noon to 8:00 p.m.
- iii. Thursday - Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- iv. Father's or Mother's Day - Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.
- v. Christmas Day - Standard Possession and Access as set forth in the Standard Possession Order in the Texas Family Code.

- vi. Summer – two (2) two (2) week periods between June 1 and August 15 if designated by May 1. If not designated by May 1, beginning on the first Friday in June at 6:00 p.m. and ending at 6:00 p.m. fourteen (14) days later and additionally beginning on the third Friday in July at 6:00 p.m. and ending at 6:00 p.m. fourteen (14) days later.

This **STANDING ORDER** is **EFFECTIVE JULY 1, 2016.**



District Judge Presiding