

WALLER COUNTY COURTS AT LAW STANDING RESTRAINING ORDER

STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Waller County Courts at Law that applies in every divorce suit and every suit affecting the parent-child relationship filed in Waller County. The County Courts at Law have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court.

Therefore, it is ORDERED:

- 1. NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this case:
 - 1.1 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.
 - 1.2 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.
 - 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
- 2. CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:
 - 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner, to communicate with the other party, whether in person, by telephone or another electronic voice transmission, video chat, in writing, text, or any other electronic messaging.
 - 2.2 Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, text, or any other electronic messaging, to take unlawful action against any person.
 - 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner or without a legitimate purpose of communication, or anonymously.
 - 2.4 Opening or diverting mail or e-mail or any other electronic communication addressed to the other party.
 - 2.5 Intentionally, knowingly, or recklessly causing bodily injury to the other party.
 - 2.6 Threatening the other party with imminent bodily injury.
- 3. 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 doing the following acts:
 - 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

- 3.2 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 including electronically stored or recorded information.
- 3.3 Damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information or any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information or any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property, real estate property, or intellectual property and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 Taking any action to terminate or limit credit or change cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, internet, cable television, or other contractual services, including security, pest control, 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.
- 3.15 Excluding the other party from the use and enjoyment of a specifically identified residence of the other party.
- 3.16 Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized in this order.

4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

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

- 4.3 “Records” include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.
- 4.4 Entering any safe deposit box in the name of or subject to the control of the parties or either party, whether individually or jointly with another.
- 4.5 Destroying, disposing of, or altering any financial records of the parties, including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement;
- 4.6 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 this suit, 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.
- 4.7 Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this suit, 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.
- 4.8 Deleting any data or content from any social network profile used or created by either party.
- 4.9 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.

5. INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 5.1 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, except as specifically authorized by this order.
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties’ children.
- 5.3 Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed, of any life, casualty, automobile, or health insurance policies insuring the parties’ property or persons including the parties’ minor children.

6. SPECIFIC AUTHORIZATIONS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to conduct each party’s usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney’s fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

For purposes of this order, “personal property” includes, but is not limited to, the following:

- a. Cash, checks, traveler’s checks, and money orders;
- b. Funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;
- c. Funds and assets held in brokerage, mutual fund, and other investment accounts;
- d. Publicly traded stocks, bonds, and other securities;
- e. Stock options and restricted stock units;
- f. Bonuses;

- g. Closely held business interests;
- h. Retirement benefits and accounts;
- i. Deferred compensation benefits;
- j. Insurance policies, annuities, and health savings accounts;
- k. Motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;
- l. Money owed to one or both parties, including notes and expected income tax refunds;
- m. Household furniture, furnishings, and fixtures;
- n. Electronics and computers;
- o. Antiques, artwork, and collections;
- p. Sporting goods and firearms;
- q. Jewelry and other personal items;
- r. Pets and livestock;
- s. Club memberships;
- t. Travel award benefits and other award accounts;
- u. Crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;
- v. Digital assets such as e-mail addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;
- w. Virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;
- x. Safe-deposit boxes and their contents;
- y. Storage facilities and their contents; and
- z. Contingent assets.

7. PARENT EDUCATION.

If the case is filed in Waller County Court at Law Number One, parties are additionally ORDERED to complete the KIDS FIRST program through FAMILY TIES (936-931-2299) prior to final orders. **THE PARTIES MUST ATTEND THE SAME PROGRAM**. If the youngest child is over the age of 16, you can ask the court to waive this requirement.

If the case is filed in Waller County Court at Law Number Two, parties are additionally ORDERED to complete a Parent Education and Family Stabilization Course that complies with *Texas Family Code* Section 105.009. **THE PARTIES ARE NOT REQUIRED TO ATTEND THE SAME PROGRAM**. If the youngest child is over the age of 16, you can ask the court to waive this requirement.

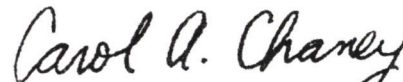
8. SERVICE AND APPLICATION OF THIS ORDER.

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 original 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.

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 the 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 COURT 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 remains in full force and effect until the court signs a final decree or order.
- 10. PARTIES ENCOURAGED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

THIS WALLER COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON THE DATE AND TIME A PARTY RECEIVES NOTICE HEREOF.



HONORABLE CAROL CHANEY
Judge, County Court at Law One



HONORABLE ELTON R. MATHIS
Judge, County Court at Law Two