

**IN THE 266TH JUDICIAL DISTRICT COURT
OF ERATH COUNTY, TEXAS**

ADMINISTRATIVE ORDER	§	STANDING ORDER REGARDING
	§	PROPERTY AND CONDUCT OF
	§	THE PARTIES IN DIVORCE
	§	CASES AND SUITS AFFECTING
	§	THE PARENT-CHILD
	§	RELATIONSHIP

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 266th Judicial District Court that applies to every divorce suit and every suit affecting the parent-child relationship or modification thereof filed in the District Court of Erath County, except cases initiated by the Attorney General of Texas or Child Protective Services. The District Court has 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 cause:
 - 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 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.
 - 1.4. Disturbing the peace of the children.
 - 1.5. Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts/uncles, or step-parents, in the presence or within the hearing of the child or children.
 - 1.6. 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.
 - 1.7. If this is an original divorce action, allowing anyone with whom the party is romantically involved to remain overnight in the home while in possession of the children. Overnight is defined as from 10:00 p.m. to 7:00 a.m.

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 course or offensive manner, to communicate with the other party, whether in person, by telephone or in writing, including texting and e-mail or other electronic communications.

2.2 Committing any violation of any Penal Offense of the State of Texas directed at any party or child.

2.3 Opening or diverting mail addressed to the other party.

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 property of one or both of the parties.

3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

3.4 Tampering with the tangible 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.

3.5 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 separate or community, except as specifically authorized by this order.

3.6 Incurring any indebtedness, 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,

except as specifically authorized by this order.

- 3.10 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.
- 3.11 Taking any action to terminate or limit credit or charge cards in which the other party is named as primary or secondary holder.
- 3.12 Entering, operating, or exercising control over the motor vehicle(s) in the possession of the other party.
- 3.13 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as 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.
- 3.14 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.
- 3.15 Intercepting or recording the other party's electronic communications.
- 3.16 Taking any action to obtain credit in the name of the other party.
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 relating to the property of either party.
 - 4.3 "Records" including e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.
5. **INSURANCE IN A 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 Cancelling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN A 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 the conduct of that party's usual business and occupation. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

6.2 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.

6.3 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER.**

7.1 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 Petitioner shall certify in writing that he/she has received and reviewed the entire contents of this Order upon filing of an original petition, suit affecting the parent-child relationship, or modification.**

7.2 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. **If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of the filing of the original petition, this order shall continue in full force and effect as a temporary mutual 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.

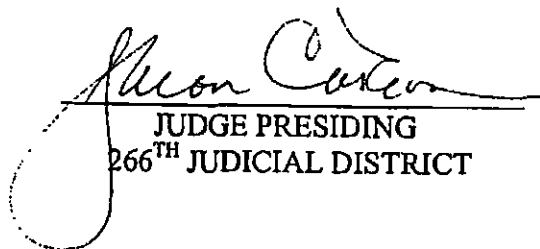
8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree.

9. **PARTIES MUST CONFERENCE.** Prior to any hearing for Temporary Orders the parties and attorneys shall certify to the Court in writing that they have conferred

and negotiated for at least one (1) hour in an effort to resolve all issues regarding Temporary Orders. A Certificate of Conference establishing that this requirement has been met, must be on file prior to any hearing for Temporary Orders.

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 resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit, and the Court reserves the right to order any matter to mediation prior to setting or conducting a hearing.
11. **OTHER REQUESTS FOR ORDERS.** Motions or applications for relief that duplicate, track, or cover, directly or indirectly, any of the provisions of this order will be denied in their entirety without a hearing.
12. **PROCEDURE BEFORE A FINAL TRIAL ON THE MERITS. (Contested and Default hearings).** Before the final trial on the merits in any divorce suit, suit affecting the parent-child relationship, or suit to modify an order affecting the parent-child relationship, each party shall prepare and deliver forms as follows:
 - 12.1 In a divorce suit, each party shall confer, prepare and cause to be delivered at least ten (10) days prior to trial, a **Composite Inventory** in the form approved by the Court and fully setting out all agreed and disputed matters.
 - 12.2 In any suit requiring a determination of child support or spousal maintenance, each party shall prepare and deliver at least three days prior to trial, a **Proposed Support Decision** in the form approved by the Court, fully completed and signed by the party, or a single agreed Proposed Support Decision signed by both parties.
 - 12.3 In any suit requiring a determination of conservatorship, or possession and access to a child, each party shall prepare and deliver at least three days prior to trial, a **Proposed Parenting Plan**, pursuant to TEX.FAM.CODE.ANN. §153.603, fully completed and signed by the party, or a single agreed parenting plan is acceptable. The form of the Plan shall be approved by the Court.
 - 12.4 In any suit subject to Section 12, each party shall also prepare and deliver at least three days prior to trial, a **Proposed Disposition of Other Issues**, which shall state separately in brief complete sentences each trial decision that is sought by the party that is not covered by the Composite Inventory or Proposed Support Decision or Proposed Parenting Plan.

THIS 266TH JUDICIAL DISTRICT COURT STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME
EFFECTIVE ON THE 10th DAY OF NOVEMBER, 2013.


JUDGE PRESIDING
266TH JUDICIAL DISTRICT