

IN THE 38TH JUDICIAL DISTRICT COURT

ADMINISTRATIVE ORDER

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

STANDING ORDER REGARDING PROPERTY AND CONDUCT OF PARTIES IN DIVORCE 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 38th Judicial District Court that applies in every divorce suit and every suit affecting the parent-relationship (with the exception of those suits in which the Texas Department of Protective and Regulatory Services is the petitioner) filed in Uvalde and Real Counties. 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.** All parties are ORDERED to refrain from doing the following acts concerning any children who are the subject of this case:
 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.
 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.
 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.
 4. Disturbing the peace of the children.
 5. Making disparaging remarks about each other or the other party's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
 6. Discussing with a child, or with any other person in the presence of a child, any litigation related to a child or the other party.

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 a child. Overnight is defined as from 10:00 p.m. until 7:00 a.m.
 8. The parties further shall abide by the spirit as well as the letter of the “Children’s Bill of Rights” attached hereto and made a part of this Order.
2. CONDUCT OF THE PARTIES DURING THE CASE. All parties are ORDERED to refrain from doing the following acts:
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 the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
 2. Threatening the other party in person or in any manner, including by telephone, by electronic transmission, video chat, electronic messaging or in writing to take unlawful action against any person.
 3. Placing one or more telephone calls, or sending multiple electronic messages, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
 4. Opening or diverting mail, email, or any other electronic communication addressed to the other party.
 5. Using any password or personal identification number to gain access to the other party’s email account, bank account, social media account, or any other electronic account.
 6. Illegally intercepting or recording the other party’s electronic communications.
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:
1. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
 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. Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

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.
 5. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner, alienating any of the property of the other party, whether personal property or real property, and whether separate or community, except as specifically authorized by this Order.
 6. Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this Order.
 7. Making withdrawals from any checking or savings account in any financial institution for any purpose except, as specifically authorized by this Order.
 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.
 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.
 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.
 11. Taking any action to terminate or limit credit or charge cards in the name of the other party.
 12. Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
 13. Discontinuing or altering the withholding for federal income taxes from either party's wages or salary.
 14. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, such as security, pest control, landscaping, or yard maintenance at the other party's residence, or in any manner attempting to withdraw any deposit paid in connection with such services.
4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** These orders apply to electronic records and electronically stored information, 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. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

1. Concealing or destroying any family records, property records, financial records, business records or any records of income, debts or other obligations.
 2. Falsifying any writing or record relating to the property of either party.
 3. Destroying, disposing of, or altering any financial record of either party, including a canceled check, a deposit slip, any other record from a financial institution, a record of credit purchases or cash advances, a tax return or a financial statement.
 4. Destroying, disposing of, or altering any e-mail, text message, video message, chat message, or other electronic information relevant to the suit.
 5. Modifying, changing, or altering the native format or metadata of any electronic information relevant to the suit.
 6. Deleting any data or content from any social network profile used or created by either party or a child of the parties.
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:
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.
 2. Changing or in any manner altering, the beneficiary designation on any life insurance on the life of either party or the parties' children.
 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 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:
1. To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
 2. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
 3. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.

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

7. SERVICE AND APPLICATION OF THIS ORDER.

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.
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 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 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.

THIS STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2025.



KELLEY T. KIMBLE
DISTRICT JUDGE