

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW
OF MONTGOMERY COUNTY, TEXAS

MONTGOMERY COUNTY FIRST AMENDED STANDING ORDER REGARDING
CHILDREN, PETS, PROPERTY AND CONDUCT OF THE PARTIES

RECEIVED AND FILED
FOR RECORD
At 4:15 O'Clock M.
DEC 13 2013
BARBARA GLADDEN ADAMICK
Deputy Clerk
MONTGOMERY COUNTY, TEXAS
Deputy

THIS MONTGOMERY COUNTY FIRST AMENDED STANDING ORDER REGARDING CHILDREN, PETS, 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 FINE AND/OR IMPRISONMENT.

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Montgomery County District Courts and County Courts at Law that applies in every divorce suit and every suit affecting the parent-child relationship filed in Montgomery County. The District Courts and County Courts at Law have adopted this order because the parties, their children and the family pets should be protected and their property preserved while the lawsuit is pending before the court. The term "party" as used in this order does not include the Office of the Attorney General of Texas. 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 subjects of this case:
 - 1.1 Removing the children from the State of Texas, for the purpose of changing the residence of the children or evading the jurisdiction of the court, acting directly or in concert with others, without the written agreement of both parties or an order of the court; provided, however, that this paragraph shall not prohibit or restrict a party from so removing the children if an active prior court order gives that party the right to designate the children's primary residence outside the State of Texas or without regard to geographic location.
 - 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 the court; provided, however, that this paragraph shall not prohibit or restrict a party from so withdrawing the children from a school or day-care facility if that party is changing the children's domicile or residence within that party's rights pursuant to an active prior court order as described in ¶1.1 above.
 - 1.3 Hiding or secreting the children from the other party.
 - 1.4 Changing the children's current place of abode, without the written agreement of all parties or an order of the court; provided, however, that

this paragraph shall not prohibit or restrict a party from changing such place of abode if an active prior court 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.

- 1.5 Disturbing the peace of the children.
- 1.6 Making disparaging remarks about another party or another party's family members, including but not limited to the child's grandparents, aunts, uncles, stepparents, or anyone with whom a party has a dating relationship, in the presence or within the hearing of the children.
- 1.7 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or any other party.
- 1.8 If this is an original divorce action, allowing anyone with whom the party has an intimate or dating relationship to be in the same dwelling or on the same premises overnight while in the possession of the children. Overnight is defined from 9:00 p.m. until 8:00 a.m.

2. **PROTECTION OF FAMILY PETS OR COMPANION ANIMALS.** All parties are to refrain from harming, threatening, interfering with the care, custody, or control of a pet or 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 are ORDERED to refrain from doing the following acts:

- 3.1 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 in writing, including by email, text message, or any other electronic communication.
- 3.2 Threatening the other party in person, by telephone, or in writing, including by email, text message, or any other electronic communication, to take unlawful action against any person.
- 3.3 Placing one or more telephone calls to another party, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
- 3.4 Causing bodily injury to another party or to a child of any party.
- 3.5 Threatening another party or a child of any party with imminent bodily injury.

- 3.6 Opening or diverting mail addressed to another party.
- 3.7 Unlawfully intercepting or recording another party's electronic communications.

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 doing the following acts:

- 4.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- 4.2 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.
- 4.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.
- 4.4 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.
- 4.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real 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 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.
- 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, except as specifically authorized by this order.
- 4.10 Entering any safe-deposit box in the name of or subject to the control of Petitioner or Respondent, whether individually or jointly with others.

- 4.11 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.
- 4.12 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 4.13 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 4.14 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- 4.15 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.
- 4.16 Excluding the other party from the use and enjoyment of the other party's residence.
- 4.17 Communicating with the other party's employer or a person with whom the other party has a business relationship without a legitimate purpose.

5. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** "Records" 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:

- 5.1 Concealing, destroying, disposing of, or altering any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- 5.2 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:

- 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, except as specifically authorized by this order or a subsequent order of the court.
- 6.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

6.3 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:

7.1 To engage in acts reasonable and necessary to conduct each 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 withdrawals 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.

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. If, after service, no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of service of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further notice of the court. This entire order will terminate and will no longer be effective only upon further order of the court, entry of a final order, or dismissal of the case.

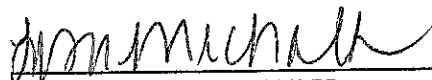
8.3 In addition to any other remedies available for the enforcement of this order, at the court's discretion, the court may award reasonable and necessary attorney fees against a party found to have violated a provision of this order.

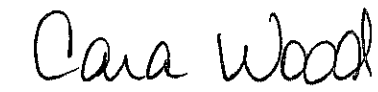
9 **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final 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 resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit. Mediation may be required by the court to which the case is assigned, and the parties are ordered to comply with any such requirement from said court.
- 11 **BOND WAIVED.** It is ORDERED that the requirement of a bond is waived.


**THIS MONTGOMERY COUNTY FIRST AMENDED STANDING ORDER
REGARDING CHILDREN, PETS, PROPERTY AND CONDUCT OF THE
PARTIES SHALL BECOME EFFECTIVE ON JANUARY 1, 2014**


HON. KELLY W. CASE
9th Judicial District Court

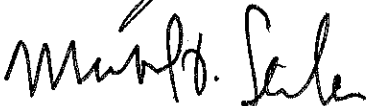

HON. LISA MICHALK
221st Judicial District Court


HON. CARA WOOD
284th Judicial District Court



HON. KATHLEEN HAMILTON
359th Judicial District Court



HON. K. MICHAEL MAYES
410th Judicial District Court



HON. TRACY A. GILBERT
418th Judicial District Court


HON. MICHAEL SEILER
435th Judicial District Court


HON. DENNIS WATSON
County Court at Law #1


HON. CLAUDIA LAIRD
County Court at Law #2


HON. PATRICE McDONALD
County Court at Law #3


HON. MARY ANN TURNER
County Court at Law #4


HON. KEITH STEWART
County Court at Law #5