

MADISON COUNTY STANDING RESTRAINING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

THIS MADISON COUNTY STANDING ORDER 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 AND WHO RECEIVES ACTUAL NOTICE OF THIS ORDER. THIS ORDER IS ENFORCEABLE BY CONTEMPT, INCLUDING A FINE AND/OR IMPRISONMENT.

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

1. **NO DISRUPTION OF CHILDREN.** Unless there is a written agreement of all parties or an order of the court, both parties are ORDERED to refrain from doing the following acts concerning children who are subjects of this case:
 - 1.1 Removing the children from the State of Texas, acting directly or in concert with others.
 - 1.2 Disrupting or withdrawing the children from the school or daycare facility where the children are presently enrolled.
 - 1.3 Hiding or secreting the children from the other parent or changing the children's current place of residence.
 - 1.4 Disturbing the peace of the children.
 - 1.5 Making disparaging remarks regarding the other party or the other party's family in the presence of or within hearing of the children.
 - 1.6 Discussing with the children, or in the presence of this children, any litigation related to the children or the other party.
 - 1.7 If this is an original divorce action, permitting an unrelated adult with whom either party has an intimate or dating relationship to remain in the same residence with the children between the hours of 10:00P.M. AND 7:00A.M.
2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:
 - 2.1 Intentionally communicating in person or in any other manner including 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 the intent to annoy or alarm the other party.
 - 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 or electronic messaging (including email, texts and social media) to take unlawful action against any person, intending by this action to annoy or alarm the other party.
 - 2.3 Placing a telephone call, anonymously, at an unreasonable hour, in an offensive or repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.
 - 2.4 Opening or diverting mail, email or any other electronic communication addressed to the other party.
 - 2.5 Intentionally, knowingly or recklessly causing bodily injury to the other party or a child of either party.
 - 2.6 Threatening the other party or a child of either party with imminent bodily injury.
 - 2.7 Changing, or attempting to change, the password or access code of any computer, telephone, email or social media of the other party or a child of either party.
 - 2.8 Intercepting or recording the other party's electronic communications.

2.9 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.

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 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 the court deems just and right, having due regard for the rights of each party and any children of the marriage.
- 3.2 Intentionally 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 the parties or either party, including electronically stored or recorded information.
- 3.3 Intentionally or knowingly damaging or destroying tangible or intellectual property of the parties or either party, including electronically stored or recorded information.
- 3.4 Intentionally or knowingly tampering with tangible or intellectual property of the parties or either party, including electronically stored or recorded information and causing pecuniary loss or substantial inconvenience to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any property of the parties or either party, regardless of whether the property is personal property, real property, or intellectual property, and regardless of whether the property is 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 money 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, employee savings plan, 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 charge cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over a 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.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual service, including security, pest control, landscaping, or yard maintenance at the residence of either party or in any manner attempting to withdraw any deposit paid in connection with any of those services.
- 3.15 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 others.
- 3.16 Excluding the other party from the use and enjoyment of a specifically identified residence of the other party.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** "Records" include email or other digital or electronic data, wherever stored. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 4.1 Destroying, disposing of or altering any family records, property records, financial records, business records or any records of income, debts, or other obligations, including a canceled check, deposit slip and other records from a financial institution, a record of credit purchases or cash advances, tax returns and a financial statement.

- 4.2 Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.
- 4.3 Destroying, disposing of or altering any email, text message, video message or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, 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.
- 4.4 Modifying, changing or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, 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.
- 4.5 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:
 - 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 or a child of the parties.
 - 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or a child of the parties.
 - 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 they suit was filed of any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties.
6. **PROTECTION OF PETS AND COMPANION ANIMALS.** Both parties are to refrain from harming, threatening or 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.
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 that party's usual business.
 - 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.
 - 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 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 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 or temporary restraining order that has already been entered or is later entered, the protective order/temporary restraining 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 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.

11. **BOND WAIVED.** It is ORDERED that the requirement of a bond is waived.

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



David Moorman
District Judge
12th Judicial District



Tracy Sorensen
District Judge
278th Judicial District