

# **RUSK COUNTY TEXAS, COUNTY COURT AT LAW STANDING ORDER**

## **RUSK COUNTY COURT AT LAW 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 Rusk County Court At Law that applies in every divorce suit and every suit affecting the parent-child relationship filed in Rusk County that requests a temporary restraining order or temporary injunction. The County Court At Law of Rusk County 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 DISRUPTIONS 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;
- 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 stepparents;
- 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; and

**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, electronic voice transmission, video chat, in writing, or electronic messaging or telephone;
- 2.2 Threatening the other party in person, by telephone, or another electronic voice transmission, video chat, in writing, or 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, without a legitimate purpose of communication or anonymously; and
- 2.4 Opening or diverting mail or e-mail or any other electronic communication 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, including electronically stored and recorded information, causing pecuniary loss to the other party;
- 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, including electronically stored or recorded information;
- 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 or electronically stored or recorded information;
- 3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, including electronically stored or recorded information; 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 expense 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 part's name or 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 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 the motor vehicle in the possession of the other party;
- 3.13 Discontinuing or altering the withholding for federal income taxes on wages or salary while this suit is pending;
- 3.14 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; and
- 3.15 Intercepting or recording the other party's electronic communications.

**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 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 matters of this case, whether 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 matters of this case, 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 including the parties' children;

- 4.6 Using any password or personal identification number to gain access to the other parties e-mail account, bank account, social media account, or any other electronic account.
- 4.7 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive , diskette, or other electronic storage device.

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 a 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; and
- 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of 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 reasonably and necessary to the conduct of that 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; and
- 6.4 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;
- 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 (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 this Court. This entire Order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

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.

10. **PARENT EDUCATION AND FAMILY STABILIZATION COURSE.** In a divorce involving children or a suit affecting a parent-child relationship, it is ORDERED that the parties shall each individually register to attend and complete a parent education and family stabilization course with the Children's Advocacy Center in Henderson, Texas, phone number (903-657-0790), before the final hearing unless the Court, in writing, or in open court, waives or modifies such requirement. It is ORDERED that each party shall pay for the cost of that party's own attendance at the course and shall file with the Clerk of this Court a certification of the date of completion of such course by the final hearing. **Failure to do so could result in a suspension of your rights to child support or possession and access to the children.**

THIS RUSK COUNTY COURT AT LAW STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON February 7<sup>th</sup>, 2017.



JUDGE CHAD DEAN  
Rusk County Court At Law


**GENERAL ORDER SETTING HEARING**  
**FOR TEMPORARY ORDERS**

The Court finds that any petitioner requesting a hearing for temporary relief should be set by general order and therefore sets same as follows:

It is ordered that the clerk shall issue notice to Respondent (s) to appear, and Respondent (s) ORDERED to appear in person, before this Court in the courthouse at 115 North Main St. Henderson, Rusk County, Texas, 75652, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., or on the first Wednesday next following three (3) days from the date of service at **9:00 a.m.**, whichever is later. The purpose of the hearing is to determine, while this case is pending, why temporary orders should not be entered respecting the property, child (ren) and parties as pled for, or that are deemed necessary and equitable for the safety and welfare of the child (ren).

This order may be attached by the clerk to any writ of temporary restraining order in a divorce of suit affecting parent-child relationship where issuance of such writ is requested.

This order is to become effective the 7<sup>th</sup> day of February, 2017, and until further order of the Court.

  
\_\_\_\_\_  
**JUDGE PRESIDING FOR**  
**RUSK COUNTY COURT AT LAW**