

CAUSE NO. _____

IN THE MATTER OF
THE MARRIAGE OF

§
§
§
§
§
§

IN THE DISTRICT COURT OF

AND

130TH JUDICIAL DISTRICT

IN THE INTEREST OF

MATAGORDA COUNTY, TEXAS

**130TH JUDICIAL DISTRICT COURT'S STANDING ORDER REGARDING
CHILD(REN), PROPERTY AND CONDUCT OF PARTIES IN DIVORCE AND SUITS
AFFECTING THE PARENT-CHILD RELATIONSHIP**

I. INTRODUCTION

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 130th Judicial District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed into the 130th Judicial District Court. **This Order is not intended to affect or circumvent prior orders entered regarding conservatorship of children, including the right to determine the primary residence of a child and all prior orders remain in effect until further order of the Court.** The 130th Judicial District Court has adopted this order because parties and child(ren) should be protected and property preserved while the lawsuit is pending before the Court.

II. NO DISRUPTION OF CHILD(REN)

Both parties are ORDERED to refrain from doing the following acts concerning any child(ren) who are subject(s) of the case:

- 2.1. Removing the child(ren) 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.
- 2.2. Disrupting or withdrawing the child(ren) from the school or day-care facility where the child(ren) are presently enrolled, without the written agreement of both parents or an order of this Court.
- 2.3. Hiding or secreting the child(ren) from the other parent or changing the child(ren)'s current residence, without the written agreement of both parents or an order of this Court.
- 2.4. Disturbing the peace of the child(ren).

- 2.5. Making disparaging remarks about each other or the other person's family members, to include but not be limited to, the child(ren)'s grandparents, aunts, uncles, or stepparents.
- 2.6. Discussing with the child(ren), or with any other person in the presence of the child(ren), any litigation related to the child(ren) or the other party.
- 2.7. Canceling, altering, or in any manner affecting any life, health or dental insurance policies insuring the parties' minor child(ren).
- 2.8. Consuming any illegal controlled substance (as the term is defined in the Texas Controlled Substance Act), twelve (12) hours prior to and during possession of the child(ren).
- 2.9. 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 child(ren). Overnight is defined from 10:00 p.m. that evening until 7:00 a.m. the next morning.

III. CONDUCT OF THE PARTIES DURING THE CASE

Both parties, their agents, servants, and/or employees are ORDERED to refrain from doing the following acts:

- 3.1. Using vulgar, profane, obscene, indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging.
- 3.2. 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, to take unlawful action against any person.
- 3.3. Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
- 3.4. Causing bodily injury to the other party or to a child of either party.
- 3.5. Threatening the other party or a child of either party with imminent bodily injury.
- 3.6. Opening or diverting mail, email, or any other electronic communication addressed to the other party.

- 3.7. 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 matters of this case, whether stored on a hard drive, in a removable storage device, in cloud storage or in another electronic storage medium.
- 3.8. 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.
- 3.9. Deleting any data or content from any social network profile used or created by either party, including the parties' child(ren).
- 3.10. 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.
- 3.11. Intercepting or recording the other party's electronic communications.

IV. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE

If this is a divorce case, both parties to the marriage, their agents, servants, and/or employees are ORDERED to refrain from doing the following:

- 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 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 or intellectual property of one or both of the parties, including, but not limited to, electronically stored or recorded information and any document that represents or embodies anything of value.
- 4.4. Tampering with the tangible property or intellectual property of one or both of the parties, including, but not limited to, electronically stored or recorded information and any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 4.5. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.

- 4.6. 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.
- 4.7. Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 4.8. Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 4.9. 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.
- 4.10. 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.
- 4.11. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.
- 4.12. 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.
- 4.13. Destroying, disposing of, or altering any financial records of the parties, including, but not limited to, records from financial institutions (including canceled checks and deposit slips), all records of credit purchases or cash advances, tax returns, and financial statements.
- 4.14. Taking any action to terminate or limit credit or charge cards in the name of either party.
- 4.15. Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 4.16. Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.

- 4.17. Entering any safe deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with other.
- 4.18. 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 service.
- 4.19. Excluding the other party from the use and enjoyment of the other party's residence.

V. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE

If this is a divorce case, both parties to the marriage, their agents, servants, and/or employees, are ORDERED to refrain from doing the following acts:

- 5.1. Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- 5.2. Falsifying any writing or records relating to the property of either party.

"Records" include email or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

VI. INSURANCE IN DIVORCE CASE

If this is a divorce case, both parties to the marriage, their agents, servants, and/or employees, 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, or child(ren), except as specifically authorized by this order.
- 6.2. Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' child(ren).
- 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 child(ren).

VII. SPECIFIC AUTHORIZATION 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 the conduct of that party's usual business and occupation.
- 7.2. To make expenditures and incur indebtedness for reasonable and necessary living 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.

VIII. 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 (14) days after the date of the original petition and is renewed for subsequent periods of every fourteen (14) days thereafter until a temporary injunction is ordered. 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 the court. This entire order will terminate and will no longer be effective once the court signs a final order.

IX. EFFECT OF OTHER 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/order.

X. PARTIES ARE 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 or collaborative law, to resolve the conflicts that may arise in this lawsuit. At a minimum, a certificate of pre-hearing conference is required to obtain a temporary orders hearing setting.

XI. BOND WAIVED

It is ORDERED that the requirement of a bond is waived.

XII. CO-PARENTING

Parents of minor child(ren) are required to attend an eight (8) hour Co-Parenting Online class within sixty (60) days of the filing of the Petition for Divorce or the Suit Affecting the Parent Child Relationship involving changes to child custody. Waivers may be granted only by order of the court. Proof of completion of the program must be provided to the court upon meeting this requirement. This course is found at www.onlineparentingprograms.com.

SIGNED on September 23, 2021 at 10:28 a.m.


Denise M. Fortenberry
130TH DISTRICT COURT

FILED
at 11:28 o'clock A. M.

SEP 23 2021

JANICE L. HAWTHORNE
Clerk of District Court Matagorda Co., Texas
By  DEPUTY