

**THIRD AMENDED MCLENNAN COUNTY 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 McLennan County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship filed in McLennan County, *except cases initiated by the Attorney General of Texas or Child Protective Services.* The District Courts of McLennan County have 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.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are the 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 parent.
 - 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 regarding the other party or the other party's family in the presence or within hearing of the child or 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.

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 course of offensive manner, while communicating with the other party, whether in person, by telephone, or in writing. (Including text messaging or electronic communications.)

2.2 Threatening the other party, in person, by telephone, or in writing 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.

2.4 Opening, diverting or withholding or interfering with the delivery of mail addressed to the other party.

2.5 Causing bodily injury to the other party or, if applicable, to a child of either party,

2.6 Unlawfully intercepting or unlawfully recording another party's electronic communications.

3. **PRESERVATION OF PROPERTY.** *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.

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.

- 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.
- 3.4 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.
- 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 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 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 plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.
- 3.10 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.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.12 Taking any action to obtain credit in the name of the other party.
- 3.13 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.14 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.

- 3.15 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.
- 3.16 Entering any safe-deposit box in the name of or subject to the control of Petitioner or Respondent, whether individually or jointly with others.
- 3.17 Communicating with the other party's employer or a person with whom the other party has a business relationship without a legitimate purpose.
- 3.18 Spending any portion of any State or Federal income tax refund received by either party, whether or not the parties to the suit have filed jointly or separately, without the written agreement of both parties, or a court order.
- 3.19 Tampering with the tangible or intellectual property of one or both of the parties, including any document, electronically stored or recorded information, that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.20 Destroying, disposing of, or altering any email, text message, video message, or chat message or social media 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.
- 3.21 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.
- 3.22 Deleting any data or content from any social network profile used or created by either party or a child of the parties.
- 3.23 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.

4. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** *If this is a divorce case*, both parties to the marriage are specifically authorized to do the following:

4.1 To engage in all reasonable and necessary to the conduct of that party's usual business and occupation.

4.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

4.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.

4.4 To make withdrawals from accounts in financial institutions only for the purpose authorized by this order.

5. **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:

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.

"Records", as used in the section, include e-mails or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

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 part of the cash surrender value of life insurance policies on the life of either party or the children of the parties. except as specifically authorized by this order.

6.2 Changing or in any manner altering the beneficiary designation of 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. **PROTECTION OF FAMILY PETS OR COMPANION ANIMALS.**

- 7.1 All parties are to refrain from harming, threatening to harm, interfering with the case, 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.

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 the full force and effect as a temporary restraining order for fourteen (14) days after the date of filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before 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.

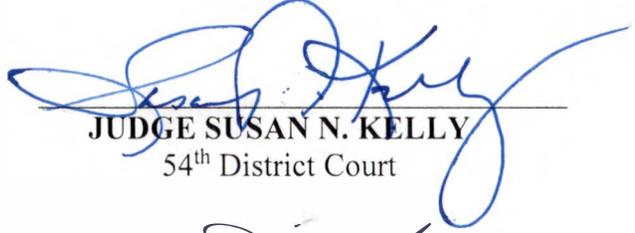
9. **EFFECT OF OTHER COURT ORDERS. If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail.** Any part of this order not changed by some later order remains in full force and effect until the Court signs a final decree.

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.

This McLennan County Standing Order Regarding Children, Property and Conduct of the Parties shall become effective on the 1st day of March, 2021.



JUDGE THOMAS C. WEST
19th District Court



JUDGE SUSAN N. KELLY
54th District Court



JUDGE GARY COLEY
74th District Court



JUDGE JIM MEYER
170th District Court



JUDGE VICKI L. MENARD
414th District Court