

STANDING ORDER IN DOMESTIC RELATIONS CASES
402ND JUDICIAL DISTRICT COURT
WOOD COUNTY, TEXAS

AT 11:11 AM
FILED
JAN 7 2019
Donna Houston
DISTRICT CLERK
WOOD COUNTY, TEXAS

As modified January 8, 2019

No party to this lawsuit has requested this order. This order is a standing order of the 402nd District Court of Wood County, Texas and applies in every suit for divorce and every suit affecting the parent-child relationship filed in Wood County. This order supersedes all previous standing orders issued by this Court and represents the Court's Orders to be applied and followed during the pendency of the case and/or until further order of this Court. The District Court has 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.

I.

APPLICATION FOR TRO AND OTHER EX PARTE ORDERS

Counsel (or pro se party) presenting any application for a temporary restraining order or other ex parte relief **shall notify** the opposing party's counsel, or the opposing party if unrepresented by counsel in the present controversy, and provide opposing counsel or party with a copy of the application and proposed order are at least 2 hours before the application and proposed order are to be presented to the Court for decision, except as provided in subparagraph (1) hereof. Compliance with the provisions of subparagraph (1) hereof is not required if a verified certificate of a party or a certificate of counsel is filed with the application,

- (1) *That irreparable harm is imminent and there is insufficient time to notify the opposing party or counsel;*
- (2) *That to notify the opposing party or counsel would impair or annul the court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, in notice were required.*

Counsel (or pro se party) presenting any application for a temporary restraining order shall, at the time the application is presented, further certify that to the best of counsel's knowledge, the case in which the application is presented is not subject to transfer. If the case is subject to transfer, counsel shall fully advise the Court of the circumstances, particularly as to whether there has been any previous

application for the same or similar relief or whether the relief sought will conflict with any other previous order, and the Judge to whom the application is presented may decline to act and refer the application or the entire case to the Judge of the Court to which the earlier related case is assigned.

II.

NO DISRUPTION OF CHILDREN

Both parties are ORDERED to refrain from doing the following concerning any children who are the subjects of this case:

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.
2. Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without written agreement of both parties or an order of this Court.
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.
4. Disturbing the peace of the children.
5. Making disparaging remarks regarding the other party in the presence or within the hearing of the children either in person, telephonically or on any form of social media.

III.

PROTECTION OF FAMILY PETS OR COMPANION ANIMALS

Both 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 or of a person protected by this order.

IV.

CONDUCT OF THE PARTIES DURING THE CASE

Both parties are ORDERED to refrain from doing the following:

1. Communicating with the other party in person by telephone or in writing in vulgar, profane, obscene or indecent language or in a coarse or offensive manner.
2. Threatening the other party in person by telephone or in writing to take unlawful action against any person.

3. Placing one or more telephone calls anonymously, or at any unreasonable hour, in an offensive or repetitious manner or without a legitimate purpose of communication.
4. Causing bodily injury to the other party or to a child of either party.
5. Threatening the other party or a child of either party with imminent bodily injury.
6. Discussing any litigation concerning the child in the presence or within hearing of the child or on any form of social media.

V.

**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:

1. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
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 of or both of the parties.
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. 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.
5. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personalty or realty, and whether separate or community, except as specifically authorized by this order.
6. Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this Court.
7. Making withdrawals from any checking or savings account in any financial institutions for any purpose, except as specifically authorized by this order.
8. Spending any sum of cash in that party's possession or subject to that party's control for any purpose, except as specifically authorized by this order.
9. Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death or other employee benefits plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.

10. Entering any safe-deposit box in the name of or subject to the control of the other party, whether individually or jointly with others.
11. Opening or diverting mail addressed to the other party.
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.
13. Taking any action to terminate or limit credit or charge cards in the name of the other party.
14. Discounting or reducing the withholding for federal income taxes on that party's wages or salary while this case is pending.
15. 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.
16. Destroying, disposing of, or altering any email or other electronic data relevant to the subject matter of this case, whether stored on a hard drive, the cloud, a disk or other electronic storage device.
17. 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 those services.
18. Excluding the other party from the use and enjoyment of the marital residence.
19. Entering, operating or exercising control over the vehicle in the possession of the other party.
20. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.
21. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information
22. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
23. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.
24. 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.

25. 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, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
26. Deleting any data or content from any social network profile used or created by either party.

VI.

PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE

“Records” means any tangible document or recording and includes email or other digital or electronic data, whether stored on a computer hard drive, disk, the cloud, or other electronic storage device. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following:

1. Concealing or destroying any family records, property records, financial records, business records, or any records of income, debts or other obligations.
2. Falsifying any writing or record relating to the property of the other party.

VII.

INSURANCE IN DIVORCE CASE

If this is a divorce case, both parties to the marriage are ORDERED to refrain from engaging in the following:

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.
2. Changing or in any way altering the beneficiary designation on any life insurance on the life of either party or the parties’ children.
3. Cancelling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties’ property or persons including the parties’ minor children.

VIII.
SPECIFIC AUTHORIZATIONS IN DIVORCE CASES

If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

1. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
2. To engage in acts reasonable and necessary to conduct that party's usual and customary business and occupation.
3. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
4. To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

IX.
SERVICE AND APPLICATION OF THIS ORDER

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.

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 (14) days after the date of 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 decree.

X.
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.

XI.
PARTIES ENCOURAGED TO MEDIATE

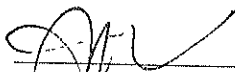
The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to employ alternative dispute resolution methods, such as mediation or informal settlement conferences (if appropriate) to resolve the conflicts that may arise in this lawsuit. In an attempt to protect the minor children and preserve the best interests of the children involved in a divorce in any case in which custody of minor children is contested, **the parties are ORDERED to mediation to attempt resolution of custody/visitation issues before a final hearing will be conducted by the Court.**

XII.
BOND WAIVED

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

THIS IS THE STANDING ORDER FOR ALL DOMESTIC RELATIONS CASES IN THE 402ND DISTRICT COURT, WOOD COUNTY, TEXAS AS OF JANUARY 7, 2019. THIS ORDER SUPERSEDES ALL PRIOR ORDERS ISSUED FROM THIS COURT.

SIGNED on this the 7th day of January, 2019.



Jeff Fletcher
District Judge
402nd Judicial District Court
Wood County, Texas