

THE 355TH JUDICIAL DISTRICT COURT

Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048
(817) 579-3233
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RALPH H. WALTON, JR.
- JUDGE -

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

August 19, 2015

Re: Standing Order Regarding Property and Conduct of the Parties in Divorce Cases
and Suits Affecting the Parent-Child Relationship
Effective Date: September 1, 2015

Dear Counsel:

Attached is a copy of the subject Standing Order that has been modified, effective September 1, 2015, pursuant to SB 815 concerning temporary restraining order language as found in Subchapter F, Texas Family Code §6.501(a1-a10). The subject changes are found in paragraphs 2.4-2.9 and 4.2-4.5 of the Standing Order.

Please familiarize yourself with these changes and thank you for your cooperation.

A large, stylized handwritten signature in black ink, appearing to read "Ralph H. Walton, Jr.", written over the typed name and title.

Ralph H. Walton, Jr.
Judge, 355th Judicial District

A handwritten signature in blue ink, appearing to read "Vincent J. Messina", written over the typed name and title.

Vincent J. Messina
Judge, County Court at Law #1

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Court Administrator
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**IN THE DISTRICT COURT
OF HOOD COUNTY, TEXAS
355TH JUDICIAL DISTRICT**

AND

**IN THE COUNTY COURT AT LAW #1
OF HOOD COUNTY, TEXAS**

**STANDING ORDER REGARDING PROPERTY
AND CONDUCT OF THE PARTIES IN
DIVORCE CASES AND SUITS AFFECTING
THE PARENT-CHILD RELATIONSHIP**

FILED
AUG 24 2015
Tonna Trumble Hitt
Tonna Trumble Hitt
Clerk District Court, Hood County, Texas

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 355th Judicial District Court, Hood County, Texas, and the County Court at Law #1, Hood County, Texas, that applies to every divorce suit and every suit affecting the parent-child relationship or modification thereof filed in these Courts, except cases initiated by the Attorney General of Texas or the Texas Department of Family and Protective Services (CPS). These Courts have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before these Courts. 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 subjects of this cause:
 - 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 these Courts.
 - 1.2. Disrupting or withdrawing the children from school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of these Courts.
 - 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 these Courts.
 - 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 step-parents, in the presence or within the hearing of the child or children.
 - 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.
 - 1.7 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 children. Overnight is defined as from 10:00 p.m. to 7:00 a.m.
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, by telephone or in writing, including texting and e-mail or other electronic communications.
 - 2.2 Committing any violation of any penal offense of the State of Texas directed at any party or child.
 - 2.3 Opening or diverting mail addressed to the other party.
 - 2.4 Intentionally communicating in person or in any other manner, including by 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 intent to annoy or alarm the other party.
 - 2.5 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, intending by this action to annoy or alarm the other party.
 - 2.6 Placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.
 - 2.7 Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.
 - 2.8 Threatening the other party or a child of either party with imminent bodily injury.
 - 2.9 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 that the court deems just and right, having due regard for the rights of each party and any children of the marriage.

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.
 - 3.2 Misrepresenting or refusing to disclose to the other party or to these Courts, 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 or 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 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 which the other party is named as primary or secondary holder.

- 3.12 Entering, operating, or exercising control over the motor vehicle(s) in the possession of the other party.
- 3.13 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.
- 3.14 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.
- 3.15 Intercepting or recording the other party's electronic communications.
- 3.16 Taking any action to obtain credit in the name of the other party.
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. "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.
 - 4.2 Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.
 - 4.3 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.
 - 4.4 Intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information.
 - 4.5 Intentionally or knowingly tampering with the 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.
5. INSURANCE IN A 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 as 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.

5.3 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.

6. SPECIFIC AUTHORIZATIONS IN A 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 reasonable and necessary to the conduct of that party's usual business and occupation. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

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

6.3 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 District Clerk 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. **The Petitioner, by his/her attorney, shall certify in writing in the original petition that he/she has received and reviewed the entire contents of this Order upon filing of an original petition, suit affecting the parent-child relationship, or modification.**

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 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 mutual injunction until further order of these Courts.** This entire order will terminate and will no longer be effective once the court signs a final order.

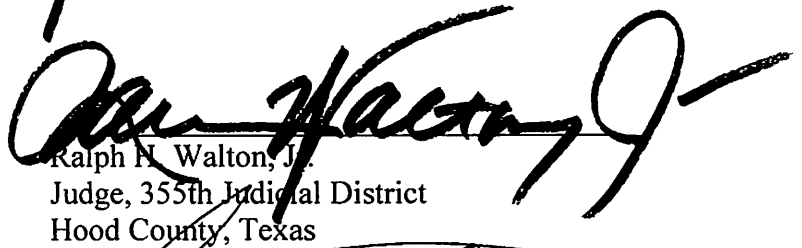
8. EFFECT OF OTHER COURT ORDERS. If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court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

9. **PARTIES MUST CONFERENCE.** Prior to any hearing for Temporary Orders the parties and attorneys shall certify to these Courts in writing that they have conferenced and negotiated in an effort to resolve all issues regarding Temporary Orders. A Certificate of Conference establishing that this requirement has been met, must be on file prior to any hearing for Temporary Orders.

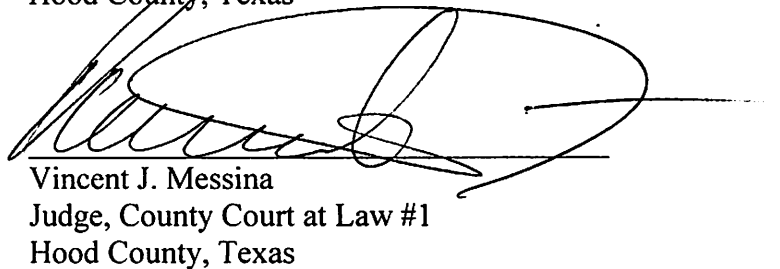
10. OTHER REQUESTS FOR ORDERS. Motions or applications for relief that duplicate, track, or cover, directly or indirectly, any of the provisions of this order will be denied in their entirety without a hearing.

THIS 355TH JUDICIAL DISTRICT COURT OF HOOD COUNTY, TEXAS AND THE COUNTY COURT AT LAW #1 OF HOOD COUNTY, TEXAS, STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON SEPTEMBER 1, 2015.

Signed this 19 day of August, 2015.



Ralph N. Walton, Jr.
Judge, 355th Judicial District
Hood County, Texas



Vincent J. Messina
Judge, County Court at Law #1
Hood County, Texas