

FILED
AT 01:45 O'CLOCK M
AUG 17 2017
Clerk, Brooks Co., TX
Deputy

**STANDING ORDERS IN SUITS FOR DIVORCE AND SUITS AFFECTING THE
PARENT-CHILD RELATIONSHIP FOR THE 79TH JUDICIAL DISTRICT COURT
SITTING IN BROOKS COUNTY, TEXAS
CALENDAR YEAR 2017**

The Presiding Judge for the 79th Judicial District Court sitting in Brooks County, Texas establishes these procedures, rules and orders in Suits for Divorce and Suits Affecting the Parent-Child Relationship. This order is a standing order for the 79th Judicial District Court sitting in Brooks County, Texas that applies in every divorce suit and every suit affecting the parent-child relationship filed in Brooks County, Texas. The 79th Judicial District Court 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.

IT IS THEREFORE ORDERED:

1. **NO DISRUPTION OF CHILDREN:** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subject of this case:
 - (a) Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties, unless by previous court order the children are already residing outside of Texas.
 - (b) Disrupting or withdrawing the children from school or daycare facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.
 - (c) Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parties or an order of this Court.
 - (d) Disturbing the peace of the children.

2. **CONDUCT OF THE PARTIES DURING THE CASE:** Both parties are ORDERED to refrain from doing the following acts:
 - (a) 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.
 - (b) Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.

- (c) 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. **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:

- (a) Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- (b) 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.
- (c) Damaging or destroying 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.
- (d) 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.
- (e) 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.
- (f) Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- (g) Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- (h) 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.
- (i) 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.

- (j) 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 signature of the other party.
- (k) Taking any action to terminate or limit credit or charge cards in the name of the other party.
- (l) Entering, operating or exercising control over the motor vehicle in the possession of the other party.
- (m) Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- (n) 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.
- (o) Excluding the other party from the use and enjoyment of the other party's residence.
- (p) Opening or redirecting the mail addressed to the other party.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE:** Records means any tangible document or recording and includes e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- (a) Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- (b) Falsifying any writing or record relating to the property of either party.

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:

- (a) 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.
 - (b) Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
 - (c) 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.
6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE:** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:
- (a) To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
 - (b) To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
 - (c) To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
 - (d) To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.
7. **INVENTORY IN DIVORCE CASES:** In contested divorce cases, each party shall file with opposing counsel not later than 60 days from Respondent's appearance but in no event less than 30 days prior to a final trial setting, an inventory, signed under oath by that party, setting forth a description and value of all property (real and personal, community and separate) owned or claimed by either or both of the parties and a list of all debts and liabilities (stating the creditor and amount) owed by either or both parties. Inventories shall not be filed with the Court except upon order of the Court. When a party files an inventory with opposing counsel, the party shall file a certificate of compliance with the District Clerk certifying that the inventory has been filed with the opposing counsel. Failure of a party to timely file an inventory as required, both as to time and form, may subject that party to sanctions upon the motion of a party or the Court.
8. **SERVICE AND APPLICATION OF THIS ORDER:**
- (a) The Petitioner shall attach a copy of Article II of this Standing 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 Article II of this Standing Order is attached to the petition and every copy of the petition presented. The clerk may charge an appropriate fee to the Petitioner for providing copies of Article II of this Standing Order in addition to the filing fees.

- (b) 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 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 of the case is dismissed.

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 or the case is dismissed.
10. **INFORMAL PRE-TRIAL SETTLEMENT CONFERENCE:** All parties involved in a suit for the dissolution of a marriage and/or in a suit affecting the parent/child relationship (excluding child protective services cases and Title IV-D cases) shall engage in an informal settlement conference at least seven (7) days prior to a scheduled final hearing. The parties shall make a diligent effort to identify and resolve all contested issues prior to the final hearing. Failure to engage in an informal settlement conference may lead to the imposition of sanctions and/or postponement of the final hearing.
11. **PARENT EDUCATION FOR DIVORCING PARENTS:** Except for good cause shown or in cases where a party fails to appear and has defaulted, the parents, in all proceedings seeking a dissolution of a marriage joined with a suit affecting the parent-child relationship, shall attend and successfully complete an educational program for divorcing parents approved by the Court. In its discretion, the Court may also refer parents involved in modification or enforcement litigation, or a child involved in any type of custody litigation, to an education course or for counseling. Proof of completion of an approved educational program for divorcing parents must be filed with the clerk of the court prior to the granting of a final judgment.
12. **BOND WAIVED:** It is **ORDERED** that the requirement of a bond is waived.

Signed on the date indicated below to be effective on September 1, 2017 and to expire on December 31, 2017.

Date:

August 14, 2017



Richard C. Terrell
Judge Presiding
79th Judicial District Court