

IN THE 410th AND 418th DISTRICT COURTS
AND THE COUNTY COURT AT LAW NUMBER THREE (3)
OF MONTGOMERY COUNTY, TEXAS

RECEIVED AND FILED
FOR RECORD
At 2:41 O'Clock P.M.
DEC 28 2022
Melissa Miller, District Clerk
Montgomery County, Texas
By [Signature] Deputy

MONTGOMERY COUNTY SECOND AMENDED STANDING ORDER REGARDING
CHILDREN, PETS, PROPERTY AND CONDUCT OF THE PARTIES

THIS MONTGOMERY COUNTY SECOND AMENDED STANDING ORDER REGARDING CHILDREN, PETS, PROPERTY AND CONDUCT OF THE PARTIES IS BINDING ON (1) THE PARTIES, (2) THE PARTIES' OFFICERS, AGENTS, SERVANTS, EMPLOYEES, AND ATTORNEYS, AND (3) ANY OTHER PERSON WHO ACTS IN CONCERT WITH THE PARTIES OR THEIR AGENTS AND WHO RECEIVES ACTUAL NOTICE OF THESE ORDERS, AND IS ENFORCEABLE BY CONTEMPT OF COURT, INCLUDING FINE AND/OR IMPRISONMENT.

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 410th and 418th District Courts and the County Court at Law Number Three (3) of Montgomery County, Texas, that applies in every divorce suit and every suit affecting the parent-child relationship filed in Montgomery County. The 410th and 418th District Courts and the County Court at Law Number Three (3) of Montgomery County, Texas, have 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. The term "party" as used in this order does not include the Office of the Attorney General of Texas. Therefore, it is ORDERED:

1. **NO DISRUPTION OF A CHILD.** All parties are ORDERED to refrain from doing the following acts concerning any child who is a subject of this case:
 - 1.1 Removing the child from the State of Texas, for the purpose of changing the residence of the child 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 child if an active prior court order gives that party the right to designate the child's primary residence outside the State of Texas or without regard to geographic location.
 - 1.2 Disrupting or withdrawing the child from the school or day-care facility where the child is 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 child from a school or day-care facility if that party is changing the child'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 child from the other party.
 - 1.4 Changing the child'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 child'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 child.
 - 1.6 Making disparaging remarks about another party or another party's family members, including but not limited to the child's grandparents, aunts, uncles, stepparents, or anyone with whom a party has a dating relationship, in the presence or within the hearing of the child.
 - 1.7 Discussing with the child, or with any other person in the presence of the child, any litigation related to the child or any other party.
 - 1.8 If this is an original divorce action, allowing anyone with whom the party has an intimate or dating relationship to be in the same dwelling or on the same premises overnight while in the possession of the child. Overnight is defined from 9:00 p.m. until 8:00 a.m.
2. **PROTECTION OF FAMILY PETS OR COMPANION ANIMALS.** All 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 of a person protected by this order.
3. **CONDUCT OF THE PARTIES DURING THE CASE.** All parties are ORDERED to refrain from doing the following acts:
- 3.1 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.
 - 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, intending by this action to annoy or alarm the other party.
 - 3.3 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.

- 3.4 Intentionally, knowingly, or recklessly 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 or e-mail or any other electronic communication addressed to the other party.

4. **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:

- 4.1 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.
- 4.2 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.
- 4.3 Intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information.
- 4.4 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.
- 4.5 Except as specifically authorized by the court, selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of the parties or either party, regardless of whether the property is (a) personal property, real property, or intellectual property, or (b) separate and community property.
- 4.6 Except as specifically authorized by the court, incurring any debt, other than legal expenses in connection with the suit for dissolution of marriage.
- 4.7 Except as specifically authorized by this order, withdrawing money from any checking or savings account in a financial institution for any purpose.

- 4.8 Except as specifically authorized by the court, spending any money in either party's possession or subject to either party's control for any purpose.
 - 4.9 Except as specifically authorized by the court, withdrawing or borrowing money in any manner for any purpose from any retirement, profit sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party.
 - 4.10 Entering any safe deposit box in the name of or subject to the control of the parties or either party, whether individually or jointly with others.
 - 4.11 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
 - 4.12 Taking any action to terminate or limit credit or charge credit cards in the name of the other party.
 - 4.13 Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.
 - 4.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual service, including security, pest control, landscaping, or yard maintenance at the residence of either party, or in any manner attempting to withdraw any deposit paid in connection with any of those services.
 - 4.15 Excluding the other party from the use and enjoyment of the other party's residence.
 - 4.16 Entering, operating, or exercising control over a motor vehicle in the possession of the other party.
5. **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:
- 5.1 Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.
 - 5.2 Destroying, disposing of, or altering any financial records of the parties, including a canceled check, deposit slip, and other records from a financial institution, a

record of credit purchases or cash advances, a tax return, and a financial statement.

- 5.3 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 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.
- 5.4 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.
- 5.5 Deleting any data or content from any social network profile used or created by either party or a child of the parties.
- 5.6 Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account.

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 Except as specifically authorized by the court, withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties.
- 6.2 Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties.
- 6.3 Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties.

7. **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 conduct each 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.

8. **SERVICE AND APPLICATION OF THIS ORDER.**

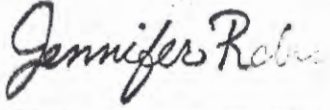
- a. The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.
- 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, after service, no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of service of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further notice of the court. This entire order will terminate and will no longer be effective only upon further order of the court, entry of a final order, or dismissal of the case.
- c. In addition to any other remedies available for the enforcement of this order, at the court's discretion, the court may award reasonable and necessary attorney fees against a party found to have violated a provision of this 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 order.


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. Mediation may be required by the court to which the case is assigned, and the parties are ordered to comply with any such requirement from said court.

11. **BOND WAIVED.** It is ORDERED that the requirement of a bond is waived.

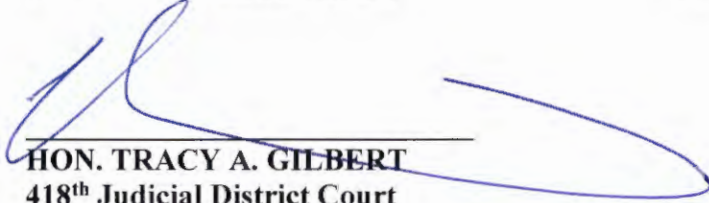
**THIS MONTGOMERY COUNTY SECOND AMENDED STANDING ORDER
REGARDING CHILDREN, PETS, PROPERTY AND CONDUCT OF THE
PARTIES SHALL BECOME EFFECTIVE ON JANUARY 1, 2023.**



HON. JENNIFER JAMES ROBIN
410th Judicial District Court



HON. AMY TUCKER
County Court at Law #3



HON. TRACY A. GILBERT
418th Judicial District Court