

378TH JUDICIAL DISTRICT COURT STANDING ORDER REGARDING CHILDREN, PROPERTY AND THE CONDUCT OF THE PARTIES

No party to this lawsuit has requested this order, rather, this order is a standing order of the 378th Judicial District Court that applies in every divorce suit and in every suit affecting the parent-child relationship filed in Ellis County. The 378th 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. Therefore, IT IS SO ORDERED, effective February 10, 2011:

NO DISRUPTION OF CHILDREN. Unless there is a written agreement of all parties or an order of this court, both parties are ORDERED to refrain from doing the following acts concerning children who are subjects of this case:

- 1.1 Removing the children from the State of Texas, acting directly or in concert with others.
- 1.2 Disrupting or withdrawing the children from the school or daycare facility where the children are presently enrolled, or in any manner disturbing the peace of these children.
- 1.3 Hiding or secreting the children from the other parent or changing the children's place of abode. Place of abode means the place the children lived at least 60 days before the lawsuit was filed.
- 1.4 The parties are ordered to register at 1-888-474-5437 for a "***Kids First***" class within 45 days of receiving notice of this order, except for IV-D cases.

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, in a coarse or offensive manner to communicate with the other party, whether in person, by telephone, in writing, texting, or any other form of communicating or social networking.
- 2.2 Threatening the other party in person, by telephone, electronically, 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 legitimate purpose of communication.
- 2.4 Opening or diverting mail addressed to the other party.

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 relating to the property of one or both of the parties:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property.
- 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.
- 3.3 Damaging or destroying the tangible property of either party or a child of either party.
- 3.4 Tampering with the tangible property, including any documents, that represents or embodies anything of value, and/or causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering or in any manner alienating any of the property, whether personal or real property, and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any indebtedness 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 authorized by this order.
- 3.8 Spending any sum of cash 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, disability, employee benefit plan, employee savings plan, individual retirement or Keogh account.
- 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 instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit cards in the other party's name.

- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cablevision, satellite, 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 deposits for these services.

PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage or ORDERED to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, photographs, property records, financial records, business records or any records of income, debts, or other obligations.
- 4.2 Falsifying any writing or record relating to the property of either party.
- 4.3 "Records" include not only physical records on paper but also e-mail or other digital or electronic data wherever stored.

INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:

- 5.1 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 a child of either party.
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or a child of either party.
- 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, health, life, disability, or other insurance policies insuring parties, their property, and/or a child of either party.

SPECIFIC AUTHORIZATIONS IN 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 conduct their usual business.
- 6.2 To make expenditures and incur indebtedness for reasonable attorneys fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

SERVICE AND APPLICATION OF THIS ORDER.

- 7.1 The petitioner or counter petitioner shall attach a copy of this order to the Original Petition and to each copy of the petition prior to filing same with District Clerk.
- 7.2 A respondent shall attach a copy of this order to the Respondent's Original Answer and to each copy of the answer prior to filing same with the District Clerk.
- 7.3 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 requested and heard on or before fourteen days after the date the original petition is filed, this order shall continue in full force and effect as temporary injunction until further order of the court. This order will terminate and will no longer be effective once the court signs a final order.

EFFECT OF THE 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.

DATE: 02/10/2011



Joe F. Grubbs, 378th Judicial District Court