

36<sup>th</sup>, 156<sup>th</sup>, 343<sup>rd</sup> DISTRICT COURTS' AND ARANSAS  
COUNTY COURT AT LAW GENERAL ORDERS

**36<sup>th</sup>, 156<sup>th</sup>, 343<sup>rd</sup> DISTRICT COURTS' AND ARANSAS  
COUNTY COURT AT LAW STANDING ORDER  
REGARDING CHILDREN, PROPERTY, AND CONDUCT  
OF THE PARTIES**

**No party to this lawsuit has requested this order.** Rather, this order is a standing order of the 36<sup>th</sup>, 156<sup>th</sup>, 343<sup>rd</sup> District Courts and Aransas County Court at Law that applies in every divorce suit, every suit affecting the parent-child relationship, and any modification suit filed in ARANSAS, BEE, LIVE OAK, McMULLEN and SAN PATRICO COUNTIES. The 36<sup>th</sup>, 156<sup>th</sup>, 343<sup>rd</sup> District Courts and Aransas County Court at Law have 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 ORDERED:

1. **NO DISRUPTION OF CHILDREN** Both parties are ORDERED to refrain from doing the following acts concerning any child who is the subject of this case:
  - 1.1 Removing a child from the State of Texas for the purpose of changing the child's residence, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
  - 1.2 Disrupting or withdrawing a 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 this Court.
  - 1.3 Hiding or secreting a child from the other parent or changing a child's current place of abode, without the written agreement of both parents or an order of this Court.
  - 1.4 Disturbing the peace of a child.
  - 1.5 Making disparaging remarks about each other or the other party's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
  - 1.6 Discussing with a child, or with any other person in the presence of a child, any litigation related to a child or the other party.
  - 1.7 If this is an original divorce action, allowing any unrelated adult to remain overnight in the home while in possession of a child. Overnight is defined as from 10:00 p.m. until 7:00a.m.
  - 1.8 Consuming any illegal Controlled Substance (as that term is defined in the Texas controlled Substance Act) twelve (12) hours prior to and during the party's possession of the child.
  - 1.9 Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of both/either party.
  
2. **CONDUCT OF THE PARTIES DURING THE CASE** Both parties are ORDERED to refrain from doing the following acts:
  - 2.1 Communicating in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
  - 2.2 Threatening the other party in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, or electronic messaging, to take unlawful action against any person.
  - 2.3 Placing one or more telephone calls, anonymously, at an unreasonable hour, in an

- offensive or repetitious manner, or without a legitimate purpose of communication.
- 2.4 Opening or diverting mail, e-mail, or any other electronic communication addressed to the other party.
- 2.5 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.
- 2.6 Illegally intercepting or recording the other party's electronic or telephonic communications.
- 2.7 Posting any information regarding the other party on any social media sites.
- 2.8 Excluding the other party from the use and enjoyment of the parties' residence.

### 3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE

CASE These orders apply to electronic records and electronically stored information, 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. 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 the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties.
- 3.3 Damaging or destroying the tangible or intellectual property of one or both of the parties, including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible or intellectual property of one or both parties, including any document that represents or embodies anything of value, and causing pecuniary loss or substantial inconvenience to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any property of either party, whether personal property, real estate property, or intellectual property, and whether separate property or community property, except as specifically authorized by this order.
- 3.6 Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any money 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 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, except as specifically authorized by this order.
- 3.10 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.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over a motor vehicle in the

possession of the other party.

- 3.13 Discontinuing or altering the withholding for federal income taxes from either party's wages or salary.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, such as security, pest control, landscaping, or yard maintenance at the other party's residence, or in any manner attempting to withdraw any deposit paid in connection with such services.

4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE These orders apply to paper records as well as electronic records on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. 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, 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 Destroying, disposing of, or altering any financial record of either party, including a canceled check, a deposit slip, any other record from a financial institution, a record of credit purchases or cash advances, a tax return, or a financial statement.
- 4.4 Destroying, disposing of, or altering any e-mail, text message, video message, chat message, or other electronic information relevant to the suit.
- 4.5 Modifying, changing, or altering the native format or metadata of any electronic information relevant to the suit.
- 4.6 Deleting any data or content from any social network profile used or created by either party or a child of the parties.

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:

- 5.1 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, except as specifically authorized by this order.
- 5.2 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.
- 5.3 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.

6. 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 that party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's 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.

7. SERVICE AND APPLICATION OF THIS ORDER


7.1 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.

7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect until the final order is entered in this case or the case is dismissed. This entire order will terminate and will no longer be effective when the court signs a final order or the case is dismissed.


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 order or this case is dismissed.

9. 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.

THIS STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON JANUARY 1, 2018.

  
JUDGE STARR B. BAUER,  
36<sup>TH</sup> JUDICIAL DISTRICT JUDGE

  
JUDGE PATRICK L. FLANIGAN,  
156<sup>TH</sup> JUDICIAL DISTRICT JUDGE

  
JANNA K. WHATLEY,  
343<sup>RD</sup> JUDICIAL DISTRICT JUDGE

  
RICHARD P. BIANCHI,  
ARANSAS COUNTY COURT OF LAW