IN THE 198TH & 216TH JUDICIAL DISTRICT COURTS OF
BANDERA, GILLESPIE, KENDALL & KERR, COUNTIES AND
KENDALL COUNTY & KERR COUNTY COURTS AT LAW

ADMINISTRATIVE ORDER	)(	STANDING ORDER REGARDING
	)(	PROPERTY AND CONDUCT OF
	)(	PARTIES IN DIVORCE AND SUITS
	)(	AFFECTING THE PARENT-CHILD
	)(	RELATIONSHIP

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

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 198th, 216th Judicial District Courts and the Kerr County Court at Law and Kendall County Court at Law that apply in every divorce suit and every suit affecting the parent-child relationship filed in the counties of Bandera, Gillespie, Kendall and Kerr Counties ("District Courts"). The District Courts and County Courts 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 children who are subjects of this case:

   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 this Court.

   1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.

   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 this Court.

   1.4 Disturbing the peace of the children.

   1.5 The parties further shall abide by the spirit as well as the letter of the "Children's Bill of Rights" attached hereto and made a part of this Order.

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, in a course or offensive manner, to communicate with the other party, whether in person, by telephone or in writing.

2.2 Threatening the other party in person, by telephone, 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 a legitimate purpose of communication, or anonymously.

2.4 Opening or diverting mail addressed to the other party.

2.5 Intentionally, knowingly, or recklessly causing bodily injury to the other or to a child of either party.

2.6 Threatening the other or a child of either party with imminent bodily injury.

2.7 Placing a tracking device on a vehicle in the possession of the other party or placing a tracking device or tracking software on the mobile telephone or electronic devices on a person or party.

2.8 Accessing or using the other party's social media account, e-mail, or computer without the written consent of the other party.

2.9 On-line impersonating of another party.

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 the Court, 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 the other 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 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 change cards in the name of other party.

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, 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.

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.

4.2 Falsifying any writing or record relating to the property of either party.

4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

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 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 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of 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:

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 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 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.

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 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 THE 11th DAY OF May, 2016.

M. REX EMERSON
198TH DISTRICT JUDGE

N. KEITH WILLIAMS
216TH DISTRICT JUDGE

Susan F. Harris

SUSAN F. HARRIS
KERR COUNTY COURT AT LAW JUDGE

WILLIAM PALMER
KENDALL COUNTY COURT AT LAW JUDGE

CHILDREN'S BILL OF RIGHTS

Each child the subject of this suit affecting the parent-child relationship shall have the rights set forth below and shall have the right generally to "be a child" free from any acrimony that may now or hereafter exist between the adult parties to this action.

Each adult party shall make this document known to every other adult who has any significant role in the child's life as a caretaker. It is contemplated that this will include regular baby-sitters, grandparents or other relatives with whom the child regularly visits, and any other person having significant, ongoing contact with the child.

The term "child" as used below refers to each and every child subject to this suit.

1. Neither party shall deny the child reasonable use of the telephone to place and receive calls with the other party or relatives. Such use shall be private to the child without unreasonable interference such as rigid adherence to time parameters, or tying up the phone with internet connections or other calls during prescribed times, instructed disconnects for chores, dinner, etc.

2. Neither party shall speak or write derogatory remarks about the other party to the child, or engage in abusive, course or foul language which can be overheard by the child whether or not the language involves the other party.

3. Neither party shall permit the child to overhear arguments, negotiations or other substantive discussions about legal or business dealings between the parties.

4. Neither party shall physically or psychologically attempt to pressure, or influence the child concerning the personal opinion or position of the child concerning legal proceedings between the parties.

5. Each party will permit the child to display photographs or memorabilia of the other party or both parties in the child's room.

6. Neither party shall communicate moral judgments about the other party to the child concerning the other parties' choice of values, life-style, choice of friends, successes or failures in life (career, financial, relational) or residential choice.

7. The parties will acknowledge to the child that the child has two homes although the child may spend more time at one home than the other.

8. The parties shall cooperate to the greatest extent practicable in sharing time with the child.

9. Neither party shall suggest to the child that it is the child's option whether or not to engage in visitation during the other party's time for possession and access.

10. Each party will permit the child to retain, and allow easy access to, correspondence, greeting cards and other written materials received from the other party.

11. Each party will respect the physical integrity of items possessed by the child which depict the other party or remind the child of the other party.

12. Each party will assist and encourage the child's attendance and participation in church, temple or other organized religious activities if such is the desire of the child.

13. Neither party will trivialize, or deny the existence of the other parent to the child.

14. Neither party will interrogate the child about the other party nor will either party discourage comments by the child about the other party.

15. Neither parent will intercept, lose, derail, forget or otherwise interfere with communications to the child from the other party.

16. Neither party will refuse to acknowledge that the child can have or should have good experiences with the other party.

17. Neither party will directly or indirectly attack or criticize to the child the extended family of the other party, the other party's career, the living and travel arrangements of the other party, or lawful activities of the other party or associates of the other party.

18. Neither party will use the child as a "middle-man" by using the child to communicate with the other party on inappropriate topics.

19. Neither party will undermine the other party in the eyes of the child by engaging in the "circumstantial syndrome" which is done by manipulating, changing, or rearranging fact.

20. Neither party will create for, or exaggerate to, the child, differences between the parties.

21. Neither party will say and do things with an eye to gaining the child as an "ally" against the other party.

22. Neither party will encourage or instruct the child to be disobedient to the other party, step-parents, or relatives.

23. Neither party will reward the child to act negatively toward the other party.

24. Neither party will try to make the child believe he or she loves the child more than the other party by, for example, saying that he or she loves the child more than the other party

or over-informing the child on adult topics or overindulging the child.

25. Neither party will discuss child support issues with the child.

26. Neither party will engage in judgmental, opinionated or negative commentary, physical inspections or interrogations once the child arrives from his/her other home.

27. Neither party will "rewrite" or "rescript" facts which the child originally knows to be different.

28. Neither party will punish the child physically or threaten such punishment in order to influence the child to adopt the parent's negative program, if any, against the other party.

29. Neither party will permit the child to be transported by a person who is intoxicated due to consumption of alcohol or illegal drugs.

30. Neither party will smoke tobacco materials inside structures or vehicles occupied at the time by the child.

31. Each party will permit the child to carry gifts, toys, clothing and other items belonging to the child with him or her to the residence of the other parent or relatives or permit the child to take gifts, toys, clothing, and other items belonging to the child back to the residence of the other party, as the case may be, to facilitate the child having with him or her objects important to the child. The gifts, toys, clothing, and other items belonging to the child referred to here mean items which are reasonably transportable and does not include pets (which the parties agree are impractical to move about).