

IN THE  
321<sup>ST</sup> JUDICIAL DISTRICT COURT,  
COUNTY COURT AT LAW,  
AND  
COUNTY COURT AT LAW NUMBER TWO  
SMITH COUNTY, TEXAS

FILED  
PENNY CLARKSTON  
DISTRICT CLERK

2020 JAN 27 PM 2:11

SMITH COUNTY, TEXAS

BY \_\_\_\_\_  
DEPUTY

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**STANDING TEMPORARY ORDERS**

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No party to this lawsuit has requested this order. Rather, this order is a standing order of the family courts of Smith County, Texas and it shall apply to every divorce suit and suit affecting the parent-child relationship, including modifications, that is filed in Smith County. This Order shall remain in effect for the entirety of the lawsuit unless modified or vacated by further order of the court. Only as to the extent that further temporary orders modify these standing order will said temporary orders control. The family courts of Smith County, Texas have adopted this order because the parties and their children should be protected and their property preserved while this lawsuit is pending before the courts. Therefore, IT IS ORDERED:

**1. NO DISRUPTION OF CHILDREN.**

All parties are ORDERED to refrain from doing the following acts concerning any child who is the subject of the 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 all 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 any party or the other party's family members to the child or within the child's presence or sphere of presence; nor shall any party allow the child to remain in the presence of others making such remarks.
- 1.6 Discussing with a child, or with any other person in the presence of a child, the case or any aspects of the case as well as the issues of conservatorship, child support and possession.

**2. CONDUCT OF THE PARTIES DURING THE CASE.**

All parties are ORDERED to refrain from doing the following acts:

- 2.1 Threatening the other party in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, electronic messaging, or social media, to take unlawful action against any person.

- 2.2 Using vulgar, profane, obscene or indecent language, or in a coarse or offensive manner, to communicate with the other party, whether in person, by telephone, by electronic communication (including email, text and social media), or otherwise in writing.
- 2.3 Posting on any social media platform threatening comments specifically relating to the case or the other party during the pendency of the case. Social media platform includes but is not limited to Facebook, Instagram, and Twitter.
- 2.4 Placing one or more telephone calls, anonymously, or at an unreasonable hour, in an offensive or repetitious manner, or without a legitimate purpose of communication.
- 2.5 Opening or diverting mail, e-mail, or any other electronic communication addressed solely to the other party.
- 2.6 Using any password or personal identification number to gain access to the e-mail account, bank account, social media account, or any other electronic account in the sole name of the other party UNLESS the other party gives prior written consent.

**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 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, or 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.
- 3.4 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, regardless of whether the property is separate property or community property, except as specifically authorized by this order.
- 3.5 Incurring any debt, other than legal expenses in connection with this suit, or 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.
- 3.6 Incurring debt for any purpose and in a manner in which the other party will be solely liable unless specifically authorized in writing by the other party after the filing of this suit.
- 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 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 or prior written consent from the other party.

- 3.9 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.
- 3.10 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.11 Entering, operating, or exercising control over a motor vehicle in the possession of the other party without the other parties consent.
- 3.12 Discontinuing or altering the withholding for federal income taxes from either party's wages or salary.
- 3.13 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**

Parties 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, specifically the personal and/or business records of the parties.
- 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 Deleting any data or content from any social media 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.

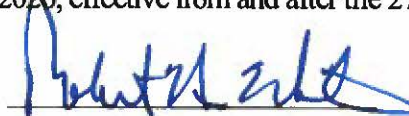
**7. SERVICE AND APPLICATION OF THIS ORDER.**

- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition.
- 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 this court. This entire order will terminate and will no longer be effective when the court signs a final order or the case is dismissed.
- 7.3. 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.

**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.

IT IS SO ORDERED this 27<sup>th</sup> day of January, 2020, effective from and after the 27<sup>th</sup> day of January, 2020.



ROBERT WILSON, JUDGE

321st Judicial District Court

Smith County, Texas



JASON ELLIS, JUDGE

County Court at Law

Smith County, Texas



TAYLOR HEATON, JUDGE

County Court at Law #2

Smith County, Texas