

File No. Index-21-391

FILED FOR RECORD  
Kaufman County  
TEXAS  
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FAMILY LAW CASES  
APR 29 2021  
DISTRICT CLERK  
CASHLEY  
M. DEPT

**KAUFMAN COUNTY STANDING ORDER FOR FAMILY LAW CASES**  
*Effective for All Family Law Cases Filed on or after April 29, 2021*

This is an Order of the Kaufman County District and County Courts at Law. The purpose of this Order is to protect the parties and their children and to preserve the parties' property while a divorce case or suit affecting the parent-child relationship (SAPCR) is pending before the Court.

This Order was not requested by any party. The Courts have adopted this Order pursuant to Texas Family Code §§6.501-6.503, 105.001, and 105.009 because the parties, their children and family pets should be protected and their property preserved while the case or suit is pending.

**THIS ORDER MAY BE ENFORCEABLE BY CONTEMPT, INCLUDING A FINE OF UP TO \$500, CONFINEMENT IN THE COUNTY JAIL FOR SIX MONTHS, OR BOTH FINE AND CONFINEMENT IN JAIL FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.**

**1. GENERAL ORDERS**

**a. WHO MUST OBEY THIS ORDER**

- i. The Court ORDERS that parties in every divorce and every suit affecting the parent-child relationship (SAPCR) filed in Kaufman County to obey this Order.
- ii. A SAPCR includes, but is not limited to, modification cases, paternity cases, and original suits affecting the parent-child relationship.
- iii. The Court further ORDERS any person who acts in concert with or participation with a party, or party's agent or attorney, who receives actual notice of the Order, to obey this Order.

**b. IF THIS ORDER CONFLICTS WITH A DIFFERENT ORDER**

- i. If any part of this Order conflicts with any part of an active Court Order, including a Protective Order, Child Protective Services Order, or a Temporary or Final Order in a divorce case or SAPCR, then the parties must obey that part of the active Court Order.

**c. WHEN THIS ORDER STARTS AND ENDS**

- i. This Order takes effect when an Original Petition is filed in a divorce case or SAPCR.
- ii. This Order remains in full force and effect as a Temporary Restraining Order for fourteen (14) days after the original petition is filed. If no party contests this Order by presenting evidence at a hearing on or before the fourteenth (14<sup>th</sup>) day after the original petition is filed, this Order shall continue in full force and effect as a temporary injunction until further Order of the Court.
- iii. This order terminates (ends) when the Court signs a final Order or the case is dismissed.

**d. PETITIONER MUST ATTACH A COPY OF THIS ORDER TO PETITION**

- i. The Petitioner in a divorce case or SAPCR shall attach a copy of this Order to the Original Petition filed in the case and each copy of the Petition.
- ii. At the time the Petition is filed, if the Petitioner has not attached a copy of this Order to the Petition, the District Clerk shall ensure that a copy of this Order is attached to the petition and every copy of the petition presented.

**e. ATTORNEY'S FEES**

- i. The Court may Order a party who violates this order to pay another party's attorneys' fees incurred to enforce this Order.
- ii. An award of Attorney's Fees is in addition to any other remedies available to enforce this Order.

**2. APPLICATION FOR TRO AND OTHER EX PARTE ORDERS**

**a. THE FOLLOWING ORDERS CONCERN THE FILING OF TEMPORARY RESTRAINING ORDERS OR OTHER EX PARTE ORDERS IN ANY SUIT FOR DIVORCE OR SUIT AFFECTING THE PARENT CHILD RELATIONSHIP.**

**b. All parties are ORDERED:**

- i. Counsel (or pro se party) presenting any application for a Temporary Restraining Order or other Ex Parte relief shall:
  1. Notify the opposing party's counsel or the opposing party if unrepresented by counsel, and
  2. Provide opposing counsel or party with a copy of the application and proposed order at least **2 hours** before the application and proposed order are to be presented to the Court for decision. Notice to opposing counsel or party is to be sent on business days between the hours of 8:00 am and 5:00 pm.
- ii. Compliance with the above provision is not required if a verified certificate of a party or certificate of counsel is filed with the application and states that:
  1. Irreparable harm is imminent and there is insufficient time to notify the opposing party or counsel; and/or
  2. To notify the opposing party or counsel would impair or annul the Court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, if notice were required.

**3. ORDERS ABOUT CHILDREN**

**a. THE FOLLOWING ORDERS CONCERN ANY CHILD WHO IS THE SUBJECT OF ANY SUIT FOR DIVORCE OR SUIT AFFECTING THE PARENT CHILD RELATIONSHIP FILED IN KAUFMAN COUNTY.**

**b. All parties are ORDERED:**

- i. **Do NOT** hide the child from another party.
- ii. **Do NOT** change the child's current residence unless:
  1. ALL parties agree in writing to the change,
  2. The Court Orders the change, or
  3. An Active Court Order gives you the exclusive right to designate the child's primary residence and the new residence is within the geographic area, if any, allowed in that Order.
- iii. **Do NOT** remove the child from the State of Texas for the purpose of changing the child's domicile or residence unless:
  1. ALL parties agree in writing to the change,
  2. The Court Orders the change, or
  3. An Active Court Order gives you the exclusive right to designate the child's primary residence outside the State of Texas or without regard to geographic location.

- iv. **Do NOT** disrupt or withdraw the child from the school or day-care facility where the child is presently enrolled unless:
  - 1. All parties agree in writing to the change,
  - 2. The Court orders the change,
  - 3. An active Court Order gives you the exclusive right to make decisions about the child's education, or
  - 4. An active Court Order gives you the exclusive right to designate the child's primary residence and the withdrawal is related to designating a new primary residence for the child.
- v. **Do NOT** make derogatory comments about another party, another party's family members, or another party's dating partner, in the presence of or within hearing of the child or on social media accessible to the child.
- vi. **Do NOT** discuss any litigation related to the child or the other party with either the child or to another person within the child's hearing.
- vii. **Do NOT** consume alcohol within 12 hours **before OR during** any period of possession or access to the child.
- viii. **Do NOT** consume illegal drugs **AT ANY TIME** or use prescription drugs other than as prescribed by a treating physician.
- ix. ***In a suit for Divorce only***, **do NOT** allow anyone with whom the party has a dating relationship to be in the same residence or premises while in the possession of the child within the hours of 10:00 p.m. and 7:00 a.m.

#### **4. ORDERS ABOUT CONDUCT DURING THE CASE**

- a. **THE FOLLOWING ORDERS CONCERN ANY PARTY TO A SUIT FOR DIVORCE OR SUIT AFFECTING THE PARENT CHILD RELATIONSHIP FILED IN KAUFMAN COUNTY.**
- b. **All parties are ORDERED:**
  - i. **Do NOT** communicate with any other party in a way that is vulgar, profane, obscene, coarse, offensive, indecent, threatening or harassing.
  - ii. **Do NOT** threaten to take unlawful action against any party, member of a party's family or household, a party's pet or companion animal, or a party's property.
  - iii. **Do NOT** call, email, text, or use any other electronic communications to contact another party at an unreasonable hour, in an offensive or repetitious manner, anonymously, or without a legitimate purpose of communication.
  - iv. **Do NOT** open or divert mail addressed to any other party.
  - v. **Do NOT** access any other party's email account, financial account, social media account, or any other electronic account.
  - vi. **Do NOT** illegally intercept or record any other party's electronic communications.
  - vii. **Do NOT** harm, threaten to harm, or interfere with the care, custody, or control of a pet or companion animal that is possessed by a party or a child in a divorce case or a suit affecting the parent-child relationship filed in Kaufman County.
  - viii. **Do NOT** communicate with the other party's employer or any person the other party does business with, without a legitimate purpose.

#### **5. ADDITIONAL ORDERS THAT APPLY IN DIVORCE CASES**

- a. **THE FOLLOWING ORDERS CONCERN PROPERTY AND THE USE OF MONEY DURING DIVORCE CASES.**
- b. **All parties in a suit for Divorce are ORDERED:**

- i. "Property" includes personal property and real property, without regard to whether the property is claimed as separate property or community property.
- ii. **Do NOT** destroy, remove, conceal, encumber, transfer, or otherwise harm or reduce the value of the property of one or both spouses.
- iii. **Do NOT** hide property from your spouse.
- iv. **Do NOT** misrepresent or refuse to disclose to your spouse or the Court, on proper request, the existence, amount, or location of any property of one or both spouses.
- v. **Do NOT** damage, destroy, or tamper with the tangible or intellectual property, of one or both spouses, including any document that represents or embodies anything of value.
- vi. **Do NOT** sell, transfer, assign, mortgage, encumber, or alienate in any manner property of either spouse, unless specifically authorized by this Order.
- vii. **Do NOT** incur any debt, other than legal expenses in connection with this case, unless the debt is specifically authorized by the Order.
- viii. **Do NOT** withdraw or transfer money from any account in any financial institution for any purpose except as specifically authorized by this Order.
- ix. **Do NOT** spend any cash in either spouse's possession or subject to either spouse's control for any purpose, except as specifically authorized by this Order.
- x. **Do NOT** withdraw or borrow 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.
- xi. **Do NOT** sign or endorse, your spouse's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends.
- xii. **Do NOT** attempt to negotiate any negotiable instrument payable to your spouse without your spouse's personal signature.
- xiii. **Do NOT** take any action to terminate or limit credit or charge cards in your spouse's name or possession or lines of credit in your spouse's name.
- xiv. **Do NOT** enter, operate, or exercise control over the motor vehicle in your spouse's possession.
- xv. **Do NOT** alter withholding for federal income taxes on your wages or salary while this case is pending.
- xvi. **Do NOT** cancel or change utilities or contractual services in any way or attempt to withdraw any deposits for utilities or contractual services.
  - 1. Utilities include, but are not limited to:
    - a. Water,
    - b. Electricity,
    - c. Gas,
    - d. Telephone,
    - e. Internet, and
    - f. Cable television services.
  - 2. Contractual services include, but are not limited to:
    - a. Security,
    - b. Delivery,
    - c. Pest control,
    - d. Landscaping, or
    - e. Yard maintenance.

- xvii. **Do NOT** exclude your spouse from the residence you and your spouse currently share or have shared within the 30 days before the original petition for divorce was filed in this case.
- xviii. **Do NOT** enter any safe deposit boxes in the name of, or subject to the control of either spouse, whether owned individually or jointly, unless authorized by later Court order or written agreement signed by both spouses permitting such entrance.
- xix. **Do NOT** delete any data or content from any social network profile used or created by either spouse or any child who is the subject of this case.

## **6. ORDERS ABOUT PERSONAL AND BUSINESS RECORDS IN DIVORCE CASES**

- a. **THE FOLLOWING ORDERS CONCERN ANY PERSONAL AND BUSINESS RECORDS OF THE PARTIES IN DIVORCE CASES.**
- b. **All parties are in a suit for Divorce are ORDERED:**
  - i. "Records" include, but are not limited to:
    - 1. Family records-including photographs, calendars, journals, and diaries;
    - 2. Property records;
    - 3. Financial and business records;
    - 4. Any records of income, debts, or other obligations (including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, or financial statement;
    - 5. Emails, text messages, videos or chat messages, or other digital or electronic data, whether stored on a computer hard drive, diskette, in removable storage device, in cloud storage, or other electronic storage medium.
  - ii. **Do NOT** conceal, destroy, or dispose of any record.
  - iii. **Do NOT** falsify or alter any record.
  - iv. **Do NOT** modify, change, or alter the native format or metadata of any record.

## **7. ORDERS ABOUT INSURANCE IN DIVORCE CASES**

- a. **THE FOLLOWING ORDERS CONCERN INSURANCE POLICIES OF THE PARTIES IN DIVORCE CASES.**
- b. **All parties are in a suit for Divorce are ORDERED:**
  - i. **Do NOT** withdraw or borrow in any way all or any part of the cash surrender value of life insurance policies on the life or either spouse, except as specifically authorized by this Order.
  - ii. **Do NOT** change or alter in any way the beneficiary designation on any life insurance on the life or either spouse or any child who is the subject of this case.
  - iii. **Do NOT** cancel or alter in any way the casualty, automobile, or health insurance policies insuring you, your spouse or any child who is the subject of this case or any property owned by or in possession of you, your spouse or any child who is the subject of this case.

## **8. SPECIFIC AUTHORIZATIONS IN DIVORCE CASES**

- a. **All parties are in a suit for Divorce are SPECIFICALLY AUTHORIZED by this Order to:**

- i. Engage in acts reasonable and necessary to the conduct of that spouse's usual business and occupation.
- ii. Spend and incur debt for reasonable attorney's fees and expenses in connection with this case.
- iii. Spend and incur debt for reasonable and necessary living expenses for food, clothing, shelter, transportation, school, and medical care, including reasonable and necessary expenses for minor children.
- iv. Withdraw money from financial institution accounts only for the purposes authorized by this Order.

**9. MEDIATION, OR OTHER FORMS OF ALTERNATIVE DISPUTE RESOLUTION**

**a. THE FOLLOWING ORDERS CONCERNS ALTERNATIVE DISPUTE RESOLUTION (ADR), SUCH AS MEDIATION, OF CONTESTED SUITS FOR DIVORCE AND SUITS AFFECTING THE PARENT CHILD RELATIONSHIP.**

**b. All parties are ORDERED:**

- i. Mediation, or any other appropriate form of Alternative Dispute Resolution (ADR), **is required in ALL CONTESTED FAMILY LAW CASES**, unless specifically waived by the Court.
- ii. Prior to the setting of a jury trial or trial before the court, the parties will file an agreed order for Mediation or another form of Alternative Dispute Resolution, stating the name of the mediator or arbitrator.
- iii. If the parties cannot come to an agreement, then the parties shall file with the Court a Request to Assign a Mediator or a request for a different type of Alternative Dispute Resolution. The Court will assign a qualified mediator on a rotating basis from the Court's approved list of mediators. If the parties are requesting a different form of Alternative Dispute Resolution, then the Court will make appropriate rulings based on that request.
- iv. If the parties chose or the Court Orders Mediation:
  1. Mediation is to take place no later than **45 days** prior to trial.
  2. Mediation is a mandatory but non-binding settlement conference, conducted with the assistance of a mediator. Mediation is private, confidential and privileged from process and discovery.
  3. After mediation, the Court will be advised by the mediator, counsel, and/or the parties only that the case did or did not settle.
- v. If the parties chose or the Court Orders a different form of Alternative Dispute Resolution:
  1. The ADR is to take place within 120 days of the Order Authorizing the ADR.
  2. After the conclusion of the ADR, the parties or counsel will inform the Court as to the results.
- vi. All Mediation and ADR costs are to be born individually by the parties unless otherwise ordered by the Court.
- vii. **Failure to participate in Court Ordered Mediation or other forms of ADR may result in the imposition of sanctions, as permitted by law, which may include dismissal or default judgment.**
- viii. Failure to mediate will not be considered cause for continuance of the trial date.

**10. BOND WAIVED**

a. It is ORDERED that the requirement of a bond is waived.

Signed on the 29<sup>th</sup> day of April, 2021.



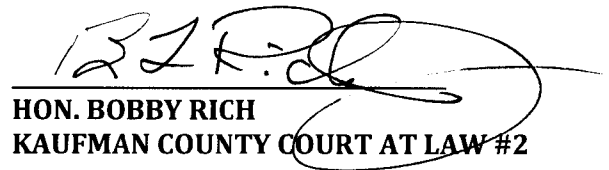
HON. CASEY BLAIR  
86<sup>TH</sup> JUDICIAL DISTRICT COURT



HON. SHELTON GIBBS, IV  
422<sup>ND</sup> JUDICIAL DISTRICT COURT



HON. TRACY GRAY  
KAUFMAN COUNTY COURT AT LAW



HON. BOBBY RICH  
KAUFMAN COUNTY COURT AT LAW #2