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JOANNA STATON

REVISED BELL COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES

THIS BELL COUNTY DISTRICT COURT STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES IS BINDING ON (1) THE PARTIES; (2) THE PARTIES' OFFICERS, AGENTS. SERVANTS, EMPLOYEES, AND ATTORNEYS; AND (3) ANY OTHER PERSON WHO ACTS IN CONCERT WITH THE PARTIES OR THEIR AGENTS AND WHO RECEIVES ACTUAL NOTICE OF THESE ORDERS AND IS ENFORCEABLE BY CONTEMPT OF COURT, INCLUDING FINE AND/OR CONFINEMENT.

No party in this lawsuit has requested this order. Rather, this order is a standing order of the Bell County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship, including a suit for modification or enforcement of a prior order, filed in Bell County, Texas. The Bell County District Courts 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. The term "party" as used in this order does not include the Attorney General of Texas, the Bell County District Attorney, or the Bell County Attorney.

IT IS THEREFORE ORDERED:

1. **NO DISRUPTION OF CHILDREN**. All parties are ORDERED to refrain from doing the following acts concerning the children who are subjects of this cause:

1.1 Removing the children from the State of Texas for the purpose of changing the children's domicile or residence, acting directly or in concert with others, without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from removing the children if an active prior court order gives that party the right to designate the children's primary residence outside the State of Texas or without regard to geographic location.

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 all parties or an order of this Court; provided, however that this paragraph shall not prohibit or restrict a party from so withdrawing the children from a school or day-care facility if that party is changing the children's domicile or residence within that party's rights pursuant to an active prior court order as described in Section 1.1 above.

1.3 Hiding or secreting the children from the other party.

1.4 Changing the children's current place of abode without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from changing such place of abode if an active prior order gives that party the right to designate the children's primary residence without geographic restriction, or if the new place of abode lies within the geographic limits established by that active prior court order.

1.5 Disturbing the peace of the children.

1.6 Making disparaging remarks in the presence of the children about another party or another party's family members, including but not limited to the child's grandparents, aunts, uncles, stepparents, or anyone with whom the other party has a dating relationship.

1.7 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.

1.8 If this is an original divorce action, allowing anyone with whom the party has a dating relationship to be in the same dwelling or on the same premises overnight while in possession of the child. Overnight is defined from 10:00 p.m. until 7:00 a.m. or any portion thereof.

2. **CONDUCT OF THE PARTIES DURING THE CASE**. All parties are ORDERED to refrain from doing any of the following acts, or directing or knowingly allowing another person to do any of the following acts:

2.1 Intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party. TFC §6.501(a)(1).

2.2 Threatening another party in person or in any other manner, including by telephone or another electronic voice transmission video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party. TFC §6.501(a)(2).

2.3 Placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party. TFC §6.501(a)(3).

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 the following conduct:

3.1 Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party. TFC §6.501(a)(4).

3.2 Threatening the other party or a child of either party with imminent bodily injury. TFC §6.501(a)(5).

3.3 Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage. TFC §6.501(a)(6).

3.4 Intentionally 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, including electronically stored or recorded information. TFC §6.501(a)(8).

3.5 Intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including any electronically stored or recorded information. TFC §6.501(a)(9).

3.6 Intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including any electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party. TFC §6.501(a)(10).

3.7 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of the parties or either party, regardless of whether it is personal property, real property, or intellectual property and regardless of whether the property is separate or community property, except as specifically authorized by this order or a subsequent order of this Court. TFC §6.501(a)(11)(A).

3.8 Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order or a subsequent order of this Court. TFC §6.501(a)(11)(B).

3.9 Withdrawing money from any checking or savings account in a financial institution for any purpose, except as specifically authorized by this order or a subsequent order of this Court. TFC §6.501(a)(11)(C).

3.10 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 or a subsequent order of this Court. TFC §6.501(a)(11)(D).

3.11 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 of either party, except as specifically authorized by this order or a subsequent order of this Court. TFC §6.501(a)(11)(E).

3.12 Entering any safe deposit box in the name of or subject to the control of the parties or either party, whether individually or jointly with others. TFC §6.501(a)(12).

3.13 Opening or diverting mail or e-mail or any other electronic communication addressed to the other party. TFC §6.501(a)(15).

3.14 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. TFC §6.501(a)(16).

3.15 Taking any action to terminate or limit credit or charge credit cards in the name of the other party. TFC §6.501(a)(17).

3.16 Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary. TFC §6.501(a)(18).

3.17 Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, 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. TFC §6.501(a)(20).

3.18 Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, 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. TFC §6.501(a)(21). This prohibition shall likewise apply to any suit affecting the parent-child relationship with regard to any electronic data or electronically stored information relevant to the subject matter of the suit affecting the parent-child relationship.

3.19 Deleting any data or content from any social network profile used or created by either party or a child of the parties. TFC §6.501(a)(22).

3.20 Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account. TFC §6.501(a)(23).

3.21 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual services, including security, pest control, landscaping, or yard maintenance at the residence or either party, or in any manner attempting to withdraw any deposit paid in connection with any of those services. TFC §6.501(a)(24).

3.22 Excluding the other party from the use and enjoyment of the marital residence in which the spouse had been residing within the thirty (30) day period prior to the date the original petition for divorce was filed. TFC §6.501(a)(25).

3.23 Entering, operating, or exercising control over the motor vehicle in the possession of the other party. TFC §6.501(a)(26).

3.24 Tracking or monitoring personal property or a motor vehicle in the possession of a party, without that party's effective consent, including by: (1) using a tracking application on a personal electronic device in the possession of that party or using a tracking device; or (2) physically following that party or causing another to physically follow that party. TFC §6.501(a)(27).

3.25 Unlawfully intercepting or recording the other party's electronic communications.

3.26 Communicating with the other party's employer or a person with whom the other party has a business relationship without a legitimate purpose.

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 Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party. TFC §6.501(a)(7).

4.2 Destroying, disposing of, or altering any financial records of the parties, including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement. TFC §6.501(a)(19).

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. TFC §6.501(a)(11(F).

5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or child of the parties. TFC §6.501(a)(13).

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 file of any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties. TFC §6.501(a)(14).

6. **SPECIFIC AUTHORIZATION 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.

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 the parties and their dependents, commensurate with such expenditures and indebtedness incurred for the past six months.

6.4 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 service of the original petition. The requirement of a bond is waived. If no party contests this order within fourteen days after the date of service 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 only upon further order of the court, entry of a final order or dismissal of the case.

7.3 In addition to any other remedies available for the enforcement of this order, at the Court's discretion, the Court may award reasonable and necessary attorney fees and court costs against a party found to have violated a provision of this 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, other final order, or a dismissal order.

9. **PARTIES REQUIRED TO MEDIATE/COLLABORATE**. The parties are encouraged to settle their disputes amicably without court intervention. The parties are required to use alternative dispute resolution methods, such as mediation or the collaborative law process, to resolve the conflicts that may arise in this lawsuit. At least one attempt at alternative dispute resolution is mandated, unless waived by the court.

10. **PARENT EDUCATION AND STABILIZATION**. Parents of minor children are ORDERED to attend a parent education and stabilization program or an approved parenting class within sixty (60) days

of the filing date of the Petition for Divorce and/or Suit Affecting the Parent Child Relationship, unless waived by the court. Proof of completion of the program must be filed with the court upon meeting this requirement.

11. **APPLICATION FOR EX PARTE ORDERS**. By presenting any application for an ex parte order, counsel is deemed to represent to the Court that:

a. if the party against whom the relief is sought is represented by counsel, that (1) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (2) counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstances do not permit additional efforts to give such notice; or

b. if the party against whom the relief is sought is not represented by counsel and has made an appearance, that (1) such party has been notified of the application and does not wish to be heard by the Court thereon; or (2) counsel presenting the application has diligently attempted to notify the opposing party, has been unable to do so, and the circumstances do not permit additional efforts to give such notice.

c. Counsel shall include a certificate of conference in the respective pleading.

12. **TIME LIMITS IN TEMPORARY HEARINGS**. In all matters in which temporary managing conservatorship is in issue, the parties shall be granted not more than one and one-half (1 1/2) hours to present the case, which time shall be equally divided. In all other temporary matters, including a modification of a temporary order, the parties shall be granted not more than forty-five (45) minutes to present the case, which time shall be equally divided. Counsel should request a special setting at the time the application for temporary relief is presented to the Court for scheduling when, because of unusual circumstances, the time limits are unworkable or inappropriate. If approved, the Court shall then determine the amount of time that shall be allotted for the hearing.

13. **DOCUMENTS REQUIRED IN TEMPORARY HEARINGS**. In all cases in which temporary support of a spouse and/or the child is in issue, each party shall be required to furnish:

13.1 A statement of monthly income and expenses in a form substantially similar to the form found in the current Texas Family Law Practice Manual published by the State Bar of Texas or in a form approved by this Court.

13.2 Copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing.

13.3 All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the temporary hearing and from January 1 of the current year through the date of the temporary hearing.

14. **PROPOSED PROPERTY DIVISION FORM REQUIRED**.

14.1 In all cases in which the character, value or division of property or debts is in issue, each party shall file, not less than ten (10) days prior to trial, a proposed property division form including all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties. It is recommended that each party file this proposed property division form in a form substantially similar to the form found in the current Texas Family Law Practice Manual published by the State Bar of Texas or in a form approved by the Court.

14.2 If a party or the parties fail to prepare and/or file the proposed property division form as required, the Court may conduct a pretrial hearing and make such orders with regard to the failure as are just, including but not limited to, sanctions pursuant to Rule 215(2)(b) of the Texas Rules of Civil Procedure, as amended.

15. **PROCEEDINGS BEFORE ASSOCIATE JUDGES IN FAMILY LAW CASES.**

15.1 Pursuant to statue and the Omnibus Order of Appointment of Associate Judge and Referral filed March 4, 2024, the District Courts have appointed Associate Judges to hear certain matters.

15.2 An Associate Judge may hear all matters relating to suits over which the District Courts have jurisdiction.

15.3 A party may file an objection to the assignment of an Associate Judge to hear any trial on the merits. A trial on the merits is any trial in which a party seeks a final adjudication from which an appeal may be taken to a Court of Appeals. The objection must be in writing.

16. **INABILITY TO PAY COSTS.**

16.1 At any final hearing in a case where a party has filed a statement of inability to afford payment of court costs, the court will review the statement.

16.2 The burden of proof is on the party filing the statement to prove that the party is unable to afford the court costs. Information such as pay stubs, tax returns, or other financial documents may be presented to substantiate an inability to afford court costs. A party must be prepared to present such evidence at the final hearing.

THIS BELL COUNTY DISTRICT COURT STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES IS EFFECTIVE IN ALL DIVORCE SUITS AND SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP FILED ON OR AFTER JUNE 1, 2024.

JUDGE JOHN GAUNTT
27th District Court

JUDGE JACK JONES
146th District Court

JUDGE CARI L. STARRITT-BURNETT
169th District Court

JUDGE PAUL L. LEPAK
264th District Court

JUDGE STEVEN DUSKIE
426th District Court

JUDGE WADE FAULKNER
478th District Court