

NO. _____

IN THE MATTER OF
THE MARRIAGE OF

AND

AND IN THE INTEREST OF

§
§
§
§
§
§

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

HARRIS COUNTY FAMILY DISTRICT COURTS'
STANDING MUTUAL TEMPORARY RESTRAINING ORDER FOR NEW CASES
(Not applicable to cases in the 280th District Court**)**

The following order is made pursuant to the Texas Supreme Court Order 20-9042, available at <https://www.txcourts.gov/media/1446056/209042.pdf>.

THIS HARRIS COUNTY FAMILY DISTRICT COURTS' STANDING MUTUAL TEMPORARY RESTRAINING ORDER 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 RECEIVE ACTUAL NOTICE OF THESE ORDERS. THIS ORDER IS ENFORCEABLE BY CONTEMPT OF COURT, INCLUDING BY FINE AND/OR IMPRISONMENT.

THIS ORDER IS NOT APPLICABLE TO CASES IN THE 280TH DISTRICT COURT.

No party to this lawsuit has requested this order. Rather, this is a standing order of the Harris County Family District Courts that applies in every divorce and suit affecting the parent child-relationship filed in Harris County between March 19, 2020 and May 8, 2020, unless extended by the Harris County Family Court Division. The Family 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 Office of the Attorney General of Texas.

Therefore, IT IS ORDERED:

That the parties to a divorce are immediately restrained from:

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

2. Threatening the other 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.
3. Placing a telephone call, anonymously, at any 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.
4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.
5. Threatening the other party or a child of either party with imminent bodily injury.
6. Intentionally, knowingly or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties 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.
7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.
8. 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 of one or both of the parties, including electronically stored or recorded information.
9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.
11. 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 matters of this case, whether stored on a hard drive, in a removable storage device, in cloud storage or in another electronic storage medium.
12. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personally or realty, and whether separate or community, except as specifically authorized by order of this Court.

13. Spending any sum of cash in Petitioner's or Respondent's possession or subject to Petitioner's or Respondent's control for any purpose, except as specifically authorized by order of this Court.
14. 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 order of this Court.
15. 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 order of this Court.
16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by order of this Court.
17. Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' child.
18. Canceling, altering, failing to renew or pay premiums, or in any manner affecting the present level of coverage of any life, casualty, automobile, or health insurance policies insuring the parties' property or persons, including the parties' child.
19. Opening or diverting mail or e-mail or any other electronic communication addressed to the other party.
20. 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.
21. Taking any action to terminate or limit credit or charge cards in the name of either party.
22. Destroying, disposing of, or altering any financial records of the parties, including but not limited to records from financial institutions (including canceled checks and deposit slips), all records of credit purchases or cash advances, tax returns, and financial statements.

23. 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 residence located at the residence of either party, or in any manner attempting to withdraw any deposits for service in connection with those services.
24. Discontinuing or reducing the withholding for federal income taxes on either party's wages or salary while this case is pending.
25. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with other.
26. Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
27. 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 this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
28. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matters of this case, 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.
29. Deleting any data or content from any social network profile used or created by either party including the parties' child.
30. 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.
31. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.
32. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.
33. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by order of this Court.

Each party is specifically authorized to do the following:

To make and incur indebtedness for reasonable and necessary living expenses for food, clothing shelter, transportation and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

To make withdrawals from accounts in financial institutions only for purposes authorized by this order.

To engage in acts reasonable and necessary to conduct each party's usual business and occupation.

IT IS FURTHER ORDERED:

That the parties to a divorce suit with children and all suits affecting the parent child relationship are immediately restrained from:

1. Disturbing the peace of the child or of the other party.
2. Withdrawing the child from enrollment in the school or day-care facility where the child is presently enrolled.
3. Hiding or secreting the child from the other party.
4. Making disparaging remarks regarding the other party or the other party's family in the presence or within the hearing of the child.
5. Discussing any litigation concerning the child in the presence or within the hearing of the children.

The Supreme Court's Emergency Order (No. 20-9042) recognizes that the COVID-19 pandemic presents exigent circumstances that justify vesting trial courts with discretion to modify or suspend deadlines or procedures subject only to constitutional limitations. Additionally, Rule 1 of the Texas Rules of Civil Procedure explicitly states that the "proper objective of rules of civil procedure is to obtain a just, fair, equitable and impartial adjudication of the rights of the litigants," and to that end, that the "rules shall be given a liberal construction." See Tex. R. Civ. P. 1.

Therefore, this restraining order is effective immediately and shall continue in force and effect until fourteen (14) days after May 8, 2020, or until further order of this Court, whichever is earlier. This order shall be binding on both Petitioner(s) and Respondent(s); on his/her/their agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

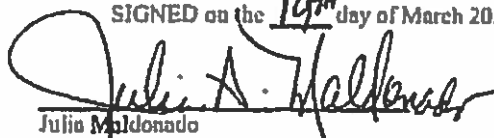
SERVICE AND APPLICATION OF THIS ORDER: The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

EFFECT OF PROTECTIVE ORDER: 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.

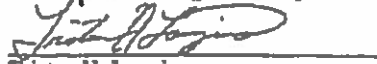
PARTIES ENCOURAGED TO MEDIATE: The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit. Mediation may be required by the court to which the case is assigned, and the parties are ordered to comply with any such requirement from said court.

THIS HARRIS COUNTY STANDING ORDER IS EFFECTIVE MARCH 19, 2020, and applies to all cases filed through May 8, 2020.

SIGNED on the 19th day of March 2020.



Julio Maldonado
Judge, 507th District Court
Administrative Judge – Family Division



Tristan H. Longino
Judge, 245th District Court



Angela L. Graves-Harrington
Judge, 246th District Court



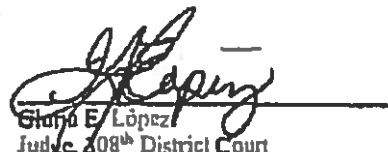
Janice Borg
Judge, 247th District Court



Sandra Penke
Judge, 252nd District Court



Barbara Stalder
Judge, 280th District Court



Gladys E. Lopez
Judge, 308th District Court



Linda Marie Dunson
Judge, 309th District Court



Sonya L. Heath
Judge, 310th District Court



Germaine J. Tanner
Judge, 311th District Court



Carolyn E. Wells, Jr.
Judge, 312th District Court