

CITATION BY PUBLICATION OR POSTING
THE STATE OF TEXAS)
COUNTY OF HUNT)
TO: JUSTIN WAYNE POWELL

78784

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

The petition of Sondra Northcutt, Petitioner, was filed in the 196th District Court of Hunt County, Texas, on this the 6th day of November, 2023 against JUSTIN WAYNE POWELL, respondent(s), and entitled

IN THE MATTER OF E. N-P., A CHILD

This suit Requests: **PETITION TO MODIFY PARENT-CHILD RELATIONSHIP WITH REQUEST FOR TEMPORARY RESTRAINING ORDER REQUESTING EXTRAORDINARY RELIEF**

The Court has authority in this suit to enter any judgment or decree dissolving the marriage and providing for the division of property which will be binding on you.

The Court has authority in this suit to enter any judgment or decree in the child (ren)'s interest which will be binding upon you, including the termination of the parent-child relationship, the determination of Paternity and the appointment of a conservator with authority to consent to the child (ren)'s adoption."

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT at Greenville, Hunt County, Texas, on this the 29th day of August, 2024.

SUSAN SPRADLING, DISTRICT CLERK
HUNT COUNTY, TEXAS



By Teresa Howle Deputy
Address: Hunt County Courthouse
2507 Lee Street
Greenville, Texas 75401

Issued at the request of:
CHRISTINA PERRONE
2714 WASHINGTON ST
BOX NO. 146
GREENVILLE, TX 75401

CITATION BY PUBLICATION OR POSTING
THE STATE OF TEXAS)
COUNTY OF HUNT)
TO: JUSTIN WAYNE POWELL

78784

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

The petition of Sondra Northcutt, Petitioner, was filed in the 196th District Court of Hunt County, Texas, on this the 6th day of November, 2023 against JUSTIN WAYNE POWELL, respondent(s), and entitled

IN THE MATTER OF E. N-P., A CHILD

This suit Requests: **PETITION TO MODIFY PARENT-CHILD RELATIONSHIP WITH REQUEST FOR TEMPORARY RESTRAINING ORDER REQUESTING EXTRAORDINARY RELIEF**

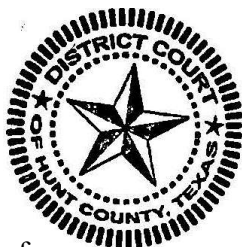
The Court has authority in this suit to enter any judgment or decree dissolving the marriage and providing for the division of property which will be binding on you.

The Court has authority in this suit to enter any judgment or decree in the child (ren)'s interest which will be binding upon you, including the termination of the parent-child relationship, the determination of Paternity and the appointment of a conservator with authority to consent to the child (ren)'s adoption."

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT at Greenville, Hunt County, Texas, on this the 29th day of August, 2024.

SUSAN SPRADLING, DISTRICT CLERK
HUNT COUNTY, TEXAS



By Teresa Howle Deputy
Address: Hunt County Courthouse
2507 Lee Street
Greenville, Texas 75401

Issued at the request of:
CHRISTINA PERRONE
2714 WASHINGTON ST
BOX NO. 146
GREENVILLE, TX 75401

SHERIFF'S RETURN

Came to hand on the ____ day of _____, 20 __ at ____ o'clock __ .M. and I executed the within citation by publishing or posting the same in the _____ Newspaper published in the County of Hunt, Texas, once previous to the return day hereof. Said publication or posting was made respectively on the ____ day of _____, 20 ____ And a printed copy thereof is returned herewith.

FEES: Serving Citation\$ _____

_____ { Sheriff
_____ { Constable
_____ County, Texas

By _____ Deputy

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA.**

CAUSE NO. 78784

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
EVAN NORTHCUTT-POWELL,	§	196TH JUDICIAL DISTRICT
	§	
A CHILD	§	HUNT COUNTY, TEXAS

**PETITION TO MODIFY PARENT-CHILD RELATIONSHIP WITH REQUEST FOR
TEMPORARY RESTRAINING ORDER REQUESTING EXTRAORDINARY RELIEF**

Discovery Control Plan

1. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, discovery is intended to be conducted in this suit under Level 2.

Parties

2. This suit is brought by Sondra Northcutt, Petitioner, who is the maternal grandmother to the child to the child the subject of this suit.

3. The last three numbers of Sondra Northcutt's Texas driver's license number are 875. The last three numbers of Sondra Northcutt's Social Security number are 540.

Service of Citation

4. Service of citation is requested on Marsha Lynn Northcutt at Into Action Recovery Center 17250 El Camino Real, Houston, TX 77058, or wherever she may be found.

5. Service of citation by publication or other substituted method is requested on Justin Wayne Powell for the reason stated in the affidavit attached to this Petition as Exhibit A.

Jurisdiction for Suit Affecting Parent-Child Relationship

6. This court has continuing, exclusive jurisdiction of the suit affecting the parent-child relationship.

Child of the Suit

7. The following child is subject to this suit:

<u>Name</u>	<u>Gender</u>	<u>Birth Date</u>
Evan Northcutt-Powell	Male	09/10/2009

Order to Be Modified

8. The Order to be modified is entitled Order Establishing the Parent-Child Relationship and was signed on January 16, 2013.

No Protective Order

9. No protective order under Title 4 of the Texas Family Code or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit, and no applications for such orders are pending before the Court.

Statement on Child's Property

10. The statement on the child's property contained in the initial pleadings of the underlying suit remains an accurate description and statement of value of all property currently owned or possessed by the child.

No Written Settlement Agreement

11. Sondra Northcutt petitions the Court to modify an order for conservatorship that is not based on a collaborative law settlement agreement or a mediated settlement agreement.

Conservatorship

The following modifications requested by Sondra Northcutt are in the best interest of the child of this suit:

Conservatorship Modification Grounds

12. The emotional wellness and mental health circumstances of Marsha Lynn Northcutt, a conservator of the child, have materially and substantially changed since the date of the rendition of the Order. Marsha Lynn Northcutt is currently a patient at an inpatient drug rehabilitation facility in Houston, Texas after battling addiction to methamphetamines and marijuana for over a year.

13. Furthermore, Evan Northcutt-Powell will express to the Court in chambers, as provided by Section 153.009 of the Texas Family Code, the conservator the child prefers to have the exclusive right to designate the primary residence of the child.

Appointment of Sole Managing Conservator

14. Sondra Northcutt petitions the Court to appoint Sondra Northcutt as sole managing conservator of the child with all the rights and duties of a nonparent appointed as a conservator of a child and with all the additional rights and duties of a nonparent appointed as sole managing conservator.

Rights and Duties at all Times

15. Sondra Northcutt petitions the Court to order that Sondra Northcutt and Marsha Lynn Northcutt have the following rights and duties at all times:

- a. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
- b. the right to confer with the other conservator to the extent possible before making a decision concerning the health, education, and welfare of the child;
- c. the right of access to medical, dental, psychological, and educational records of the child;
- d. the right to consult with a physician, dentist, or psychologist of the child;
- e. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
- f. the right to attend school activities, including school lunches, performances, and field trips;
- g. the right to be designated on the child's records as a person to be notified in case of an emergency;
- h. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child;
- i. the right to manage the estate of the child; and
- j. the duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child.

Rights and Duties During Periods of Possession

16. Sondra Northcutt petitions the Court to order that Sondra Northcutt and Marsha Lynn Northcutt have the following rights and duties during their respective periods of possession of the child:

- a. the duty of care, control, protection, and reasonable discipline of the child;
- b. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- c. the right to consent for the child to medical and dental care not involving an invasive procedure; and
- d. the right to direct the moral and religious training of the child.

Additional Rights of Sondra Northcutt

17. Sondra Northcutt petitions the Court to order that Sondra Northcutt have the following rights:

- a. the exclusive right to designate the primary residence of the child;
- b. the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures;
- c. the exclusive right to consent to psychiatric and psychological treatment;
- d. the exclusive right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;
- e. the exclusive right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

- f. the exclusive right to consent to marriage and to enlistment in the armed forces of the United States;
- g. the exclusive right to make decisions concerning the child's education;
- h. the exclusive right to the services and earnings of the child, except as provided by Section 264.0111 of the Texas Family Code;
- i. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the exclusive right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government;
- j. the exclusive right to apply for a passport for the child, renew the child's passport, and maintain possession of the child's passport; and
- k. the exclusive right to manage the estate of the child.

Temporary Relief

The following temporary restraining order and injunctions requested by Sondra Northcutt are in the best interest of the child of this suit:

Combined Family Code Temporary Restraining Order and Injunction

18. Sondra Northcutt petitions this Court to dispense with the issuance of a bond, grant a temporary restraining order without notice to Marsha Lynn Northcutt and Justin Wayne Powell for the safety and welfare of the child and, after notice and hearing, that this Court render a temporary injunction including, but not limited to, prohibiting Marsha Lynn Northcutt and Justin Wayne Powell from engaging in any of the following conduct:

- a. disturbing the peace of the child or another party;
- b. disrupting or withdrawing the child from the school or day-care facility where the child is presently enrolled, without the written agreement of the parties or an order of this Court;
- c. hiding or secreting the child from another party or changing the child's current place of abode, without the written agreement of the parties or an order of this Court;
- d. making disparaging remarks regarding another party or another party's family in the presence or within the hearing of the child;
- e. removing the child beyond a geographical area identified by this Court, acting directly or in concert with others, without the written agreement of the parties or an order of this Court;
- f. consuming alcohol or a controlled substance, as defined by Chapter 481 of the Texas Health and Safety Code, within 12 hours prior to or during the period of access to the child;
- g. permitting within the same residence as the child between 10 P.M. and 8 A.M. the presence of an unrelated adult with whom a party has an intimate or dating relationship;
- h. 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;

- i. 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;
- j. 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;
- k. intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of any party; and
- l. threatening the other party or a child of any party with imminent bodily injury.

Extraordinary Relief

19. Sondra Northcutt petitions that this Court dispense with the issuance of a bond and order the following extraordinary relief on the basis that prior to the initiation of this suit, Marsha Lynn Northcutt and Justin Wayne Powell engaged in the conduct described in the affidavit attached to this Petition as Exhibit A, and grant an order:

- a. excluding Marsha Lynn Northcutt and Justin Wayne Powell from possession of or access to the child, Evan Northcutt-Powell, unless said possession is supervised at all times; and
- b. requiring the exclusion of Marsha Lynn Northcutt and Justin Wayne Powell from the residence at 8336 Highway 34 North, Wolfe City, Hunt County, Texas 75496.

Family Code Temporary Orders and Injunction

20. Sondra Northcutt petitions this Court, after notice and hearing, to dispense with the issuance of a bond, and render an appropriate order, including the granting of a temporary injunction for the safety and welfare of the child as deemed necessary and equitable, including, but not limited to, an order prohibiting Marsha Lynn Northcutt and Justin Wayne Powell from engaging in any of the following conduct:

- a. disturbing the peace of the child or another party;
- b. disrupting or withdrawing the child from the school or day-care facility where the child is presently enrolled without the written agreement of the parties or an order of this Court;
- c. hiding or secreting the child from another party or changing the child's current place of abode without the written agreement of the parties or an order of this Court;
- d. making disparaging remarks regarding another party or another party's family in the presence or within the hearing of the child;
- e. removing the child beyond a geographical area identified by this Court, acting directly or in concert with others without the written agreement of all parties or an order of this Court;
- f. consuming alcohol or a controlled substance, as defined by Chapter 481 of the Texas Health and Safety Code, within 12 hours prior to or during the period of access to the child;
- g. permitting within the same residence as the child, between 10 P.M. and 8 A.M., the presence of an unrelated adult with whom a party has an intimate relationship;

- h. 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;
- i. 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;
- j. 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;
- k. intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of any party; and
- l. threatening the other party or a child of any party with imminent bodily injury.

Temporary Orders Regarding Child

21. Sondra Northcutt petitions this Court to render an appropriate temporary order including, but not limited to, the following:
- a. appointing Sondra Northcutt as temporary sole managing conservator of the child based on a finding that the child's present circumstances would significantly impair the child's physical health or emotional development;
 - b. appointing Marsha Lynn Northcutt and Justin Wayne Powell as temporary possessory conservator of the child; and
 - c. prohibiting Marsha Lynn Northcutt and Justin Wayne Powell from having access to the child or, alternatively, entering a possession order under Section 153.004(d)(2) of the Texas Family Code requiring that Marsha Lynn Northcutt and Justin Wayne Powell's periods of access be continuously supervised by an entity or person chosen by this Court.

Execution of HIPAA Documents

22. Sondra Northcutt petitions the Court to order that Marsha Lynn Northcutt shall execute the following instruments, pursuant to the Health Insurance Portability Act (HIPAA) and 45 C.F.R. Section 164.508, within 15 days from entry of these Temporary Orders:
- a. all releases necessary to permit the other conservator to obtain health care information regarding the child subject to this suit; and
 - b. for each health care provider and for each child subject to this suit, an authorization for disclosure of protected health information to the other conservator.
23. Sondra Northcutt further petitions the Court to order that each party who is a conservator to the children shall designate the other conservator as a person to whom protected health information regarding the child may be disclosed whenever the party executes an authorization for disclosure of protected health information pursuant to HIPAA and 45 C.F.R. Section 164.508.

Attorney's Fees

24. It was necessary to hire Christina Wade Perrone and pay attorney's fees to prosecute this Petition to Modify Parent-Child Relationship. Sondra Northcutt petitions this Court to award reasonable and necessary attorney's fees and expenses incurred through trial and appeal, as a judgment in favor of Sondra Northcutt against Marsha Lynn Northcutt and Justin Wayne Powell, and order the judgment and post-judgment interest to be paid directly to Christina Wade Perrone who may enforce the order for fees by any means available for the enforcement of a judgment for debt.

25. Sondra Northcutt petitions this Court to order that all court costs incurred in preparing and prosecuting this Petition be taxed against Marsha Lynn Northcutt and Justin Wayne Powell.

Prayer

Sondra Northcutt prays that the Court issue citation and notice as required by law and grant the relief requested in this Petition.

Sondra Northcutt prays that this Court immediately grant a temporary restraining order restraining Marsha Lynn Northcutt and Justin Wayne Powell, in conformity with the allegations of this Petition, from the acts set forth above, and Sondra Northcutt prays that, upon notice and hearing, this temporary restraining order be made a temporary injunction.

Sondra Northcutt prays that this Court, in addition to the temporary restraining order prayed for above, upon notice and hearing, grant a temporary injunction enjoining Marsha Lynn Northcutt and Justin Wayne Powell from the acts set forth above while this case is pending.

Sondra Northcutt prays that this Court, upon notice and hearing, grant temporary orders as requested in this Petition.

Sondra Northcutt prays that Sondra Northcutt be awarded a judgment against Marsha Lynn Northcutt and Justin Wayne Powell for reasonable attorney's fees, expenses, and costs. Sondra Northcutt prays for general relief.

Standing Orders for Hunt County are attached and incorporated herein.

Respectfully submitted,

The Perrone Law Firm, PLLC
2714 Washington Street
Box No. 146
Greenville, TX 75401



Christina Wade Perrone
Attorney for Sondra Northcutt
Bar No.: 24060410
Office Phone: (903) 461-7388
Fax: (903) 461-7389
Email: Christina@PerroneLawFirm.com

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 81341646

Filing Code Description: Counter Claim/Cross
Action/Interpleader/Intervention/Third Party

Filing Description: Petition to Modify
Status as of 11/6/2023 2:20 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Micah Taylor		micah@perronelawfirm.com	11/6/2023 2:01:20 PM	SENT

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA.**

CAUSE NO. 78784

IN THE INTEREST OF	§ IN THE DISTRICT COURT
EVAN NORTHCUTT-POWELL,	§
	§ 196TH JUDICIAL DISTRICT
	§
A CHILD	§ HUNT COUNTY, TEXAS

SONDRA NORTHCUTT'S AFFIDAVIT

Sondra Northcutt personally appeared before me and stated under oath:

“My name is Sondra Northcutt. I am over the age of 18. I am competent to testify and therefore make this Affidavit. This Affidavit is based on my personal knowledge, and the facts are true and correct.

“I am the Petitioner in the above-captioned suit.

“The residence of Justin Wayne Powell, Respondent in the above-captioned suit, is unknown to me. After due diligence, I have been unable to locate the whereabouts of Justin Wayne Powell. No party has had contact with Justin Wayne Powell in more than 10 years. His last known address is unknown. No party has contact information for Justin Wayne Powell or his family.

“I am currently in possession of the child that is the subject of this suit. I have had Evan living with me for the last three years. On or about September 20, 2023, Respondent Mother, Marsha Lynn Northcutt, checked into a drug rehabilitation center in Houston, Texas. During the summer of 2023, I noticed that my daughter was losing a significant amount of weight. She was also becoming very disagreeable and obstinate. This was not her normal personality. When I questioned her, she would blow me off. I then noticed that her thoughts were very disorganized, and she was picking fights with her son, Evan, over trivial matters. As we were preparing her classroom for the 2023-2024 school year one day in August, her thoughts were so disorganized that she couldn't focus on getting the tasks done. She kept repeating herself and asking the same questions over and over.

After the school year started, she was in a verbal disagreement with her school principal and began cursing at her and was asked to leave the campus and placed on administrative leave. The next Monday she was mailed a letter from the school district requesting a drug test, and the situation exploded.

I believe that day that she smoked methamphetamines in my house with Evan and I present, as I could smell it from the bathroom where she had locked herself inside. When she

came out, she was acting very erratic. This continued throughout the day, and she even began rubbing her face and flipping her hair about. I was concerned about her, but she continued to deny that she had used any drugs.


The next day, as her condition worsened, I called her brothers, my adult sons, to come to my house and assist. We made the decision to take her to the emergency room. She went willingly and was treated and released. She returned to my home for one night, and the next morning we took her to inpatient treatment in Houston. On the ride to Houston, she consumed a bottle of whiskey, mixing it with Coca-Cola in the truck. When she left the vehicle, I noticed that she had left behind a bottle of THC gummy bears.

Marsha has a history of drug use and was inpatient nearly one year ago to the day. While she likes to brag that following her last stint in inpatient rehabilitation she was able to remain sober for 100 days before relapsing, that is not sufficient to keep Evan safe. The treatment that time was for 30 days, but when Marsha would not follow the discharge plan and remain active in recovery meetings, she relapsed. I've since learned that she was even abusing my late husband's prescription pain killers shortly before his death three years ago.

This decline is heartbreaking to see. Marsha was an excellent teacher. I am hopeful that she can be one again, as well as a mother to her son, if she can achieve sobriety and follow her relapse prevention plan. An order restricting Marsha Lynn Northcutt and Justin Wayne Powell from possession of or access to the child the subject of this suit is necessary to protect the safety and welfare of the child. Evan would be devastated if his father came to get him, as he does not know him and has had no contact with him in 10 years. Marsha is not able to care for him from rehab or a sober living house. Additionally, Evan has expressly indicated he wants to remain where he is and needs time to process the anger he feels towards his mother. Marsha has previously threatened my care of Evan. When I approached the topic of taking steps to make sure Evan was safe and cared for while she was in treatment, she responded by saying, "You just fucking try it, Mother!" I am worried that she might try something before completing her entire treatment program.

If she were to just grab Evan out of my home and care, that environment would endanger Evan's physical health and significantly impair his emotional development. Evan cannot be raised by his mother while she is actively using drugs. He does not want to leave the only school system he has ever known or the community he has lived in for so long. Unfortunately, his mother has been living in addiction for a substantial amount of time and has not prioritized Evan's care. Evan deserves to be raised in a drug-free environment where he can thrive and focus on school, sports, and simply being a kid. At this time, Evan has expressed that he does not feel safe and secure with his mother.

As a result of her threats, I have made the difficult decision to ask the Court for assistance in helping me keep my grandson safe. I need this order so that Evan can remain stable, get counseling, and begin to process the difficult situation that has become too normal for him as a result of his mother's drug use.


Sondra Northcutt

STATE OF TEXAS

§

COUNTY OF Hunt

§

SUBSCRIBED AND SWORN TO before me on October 25, 2023.




Notary Public

**HUNT COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY
AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Hunt County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship filed in Hunt County, except cases initiated by the Attorney General of Texas or the Department of Family Protective and Regulatory Services. The District Courts of Hunt County 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 parties 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. If an order is in place "current place of abode" means the primary residence of the child as reflected in the order. Further, this standing order does not affect access and possession unless extraordinary relief is requested.
 - 1.4 Disturbing the peace of the children.
 - 1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
 - 1.6 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.
 - 1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the child, unless that person is a resident of the party's household at the time of the filing of the divorce. Overnight is defined from 10:00 p.m. until 7:00 a.m.
 - 1.8 Using or possessing any dangerous drug or controlled substance not prescribed by a physician during any period of possession of a child, or within the 12 hours preceding any period of possession.

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, or 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 any unreasonable hour, in an offensive or repetitious manner without a legitimate purpose of communication, or anonymously.
 - 2.4 Intentionally, knowingly or recklessly causing bodily injury to the other party or the child of either party.
 - 2.5 Opening or diverting mail addressed to the other 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 parties.
 - 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information.
 - 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 documents 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 either 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 expense 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 Modifying, changing or in any way altering the username and/or password to any financial, social media, data storage, media storage, communications, or other account;
- 3.11 Signing or endorsing the other party's name or 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.
- 3.12 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.13 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.14 Discontinuing or altering the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.15 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.
- 3.16 Intercepting or recording the other party's electronic communications.
- 3.17 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.
- 3.18 For the purposes of this Order, "personal property" and "tangible property" includes, but is not limited to, the following:
 - a. cash, checks, traveler's checks and money orders;
 - b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;

- c. funds and assets held in brokerage, mutual fund and other investment accounts;
- d. publicly traded stocks, bonds and other securities;
- e. stock options and restricted stock units;
- f. bonuses;
- g. closely held business interests;
- h. retirement benefits and accounts;
- i. deferred compensation benefits;
- j. insurance policies, annuities, and health savings accounts;
- k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;
- l. money owed to one or both parties, including notes and expected income tax refunds;
- m. household furniture, furnishings and fixtures;
- n. electronics and computers;
- o. antiques, artworks, and collections;
- p. sporting goods and firearms;
- q. jewelry and other personal items;
- r. pets and livestock;
- s. club memberships;
- t. travel award benefits and other award accounts;
- u. crops, farm equipment, construction equipment, tools, leases, crematory lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery

tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;

v. digital assets such as e-mail addresses, social networking accounts, web sites, domain names, digital media such as pictures, music, e-books, movies and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;

w. safe deposit boxes and their contents;

x. storage facilities and their contents; and

y. contingent assets.

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, debt 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 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.

4.4 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.

4.5 Deleting any data or content from any social network profile used or created by either party or a child of the parties.

4.6 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.

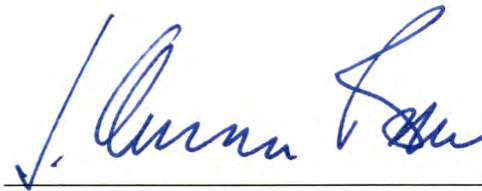
4.7 Excluding the other party from the use and enjoyment of a specifically identified residence of the other party.

- 4.8 "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.
 - 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.
 - 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.
 - 6.5 Nothing in this order:
 - (a) Excludes a spouse from occupancy of the residence where that spouse is living except as provided in a protective order made in accordance with Title 4;
 - (b) Prohibits a party from spending funds for reasonable and necessary living expenses; or
 - (c) Prohibits a party from engaging in acts reasonable and necessary to conduct that party's usual business and occupation.
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 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.
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.
10. BOND WAIVED. IT IS ORDERED that the requirement of a bond is waived.

THIS HUNT COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON OCTOBER 1, 2022.



J. Andrew Bench
Judge, 196th Judicial District



Keli Aiken
Judge, 354th Judicial District