

Date: March 18, 2025

**Via E-File**

Thomas A. Wilder, District Clerk  
Tarrant County District Courts  
200 E. Weatherford St.  
Fort Worth, Texas 76196

**Re: Original Petition in Suit Affecting Parent-Child Relationship (“SAPCR”) – Request to File as Separate Case and Set Immediate Hearing (In the Interest of [M.M.] and [C.M.], minor children; *related to* Cause No. 322-744263-23, In re Marriage of Myers)**

Dear Mr. Wilder and Honorable Court:

Please accept for filing the enclosed **Original SAPCR** concerning the above-referenced children. This SAPCR is **intentionally filed as a new, separate case**, rather than under the existing divorce cause, due to unique procedural defects in that divorce proceeding that have left the children in legal and physical limbo. **Immediate intervention** is required to protect the children’s best interests. Below, I outline the compelling reasons – supported by law and the record – why this SAPCR **must proceed separately** and be set for an **emergency hearing** at once, instead of being merged into the stalled divorce case.

#### **A. Failure of Opposing Party to Prosecute**

**1. The divorce Petitioner has wholly failed to prosecute the divorce, leaving it in procedural limbo.** Over a year has passed with no meaningful activity toward a final resolution. Notably, after the divorce case was removed to federal court and later remanded, Petitioner **never filed the required certified Order of Remand or gave notice of remand** as mandated by Texas Rule of Civil Procedure 237a. Rule 237a obligates the removing party to promptly file the federal remand order with the state clerk and notify all parties, after which any defendant has 15 days to answer. Petitioner’s **omission** of this required step has left the state court record incomplete and the case procedurally suspended. Indeed, due to Petitioner’s inaction (and her

counsel's apparent inability to e-file; see Point 8 below), **no remand notice was ever filed**, so the divorce court has not resumed jurisdiction in any practical sense.

2. In addition, Petitioner has **ignored the Texas Supreme Court's time standards** for timely disposition of cases. A divorce case is expected to be resolved within 12 months, yet Petitioner has made no effort to advance it. She has not set a trial or even a status conference; she has allowed critical deadlines to lapse. This lack of diligence violates the duty to prosecute one's claims and warrants dismissal for want of prosecution. In fact, Respondent has been forced to file a Motion to Dismiss for Want of Prosecution (pending before the Court) detailing Petitioner's complete failure to move the case forward. This also remains un-responded to. Petitioner's inaction has left the family with **no active forum** to address urgent child-related issues. Therefore, a **separate SAPCR** is necessary to provide a functioning vehicle for relief. The **children cannot wait** for the Petitioner's indifference or strategic delay to abate.

#### **B. Failure to Oppose Any Relief (Legal Concession)**

3. Throughout the divorce case, Petitioner has **not opposed or responded to any of Respondent's filings**, motions, or claims for relief. She and her counsel have remained silent in the face of serious allegations and requests, effectively **conceding the merits** of those issues under Texas law. Respondent has raised grave claims of **fraud, perjury, deception, and child neglect** against Petitioner in his pleadings, yet Petitioner's counsel has **filed no response or defense** to these claims. Respondent also served discovery and Requests for Admissions which went **completely unanswered**, resulting in deemed admissions. He even filed a motion to compel discovery, which Petitioner again **did not oppose**, though unfortunately no hearing has yet been held. Moreover, when Respondent moved for other interim relief (including return to the family home and expanded access to the children), Petitioner filed no opposition. By her

inaction, Petitioner has implicitly **admitted the validity** of Respondent's factual assertions and the justness of his requests.

4. Texas law is clear that a party who fails to respond to motions or claims effectively **waives any objection and accepts the movant's evidence as true**. For example, in the summary judgment context, if a nonmovant files no response, the court may accept the movant's asserted facts as uncontroverted and render judgment if entitlement is shown; issues not timely raised in a written response are waived; see **Tex. R. Civ. P. 166a(c)**. The same principle applies here: Petitioner's total failure to contest Respondent's filings is tantamount to a **legal concession** of those matters. In other words, failure to make timely and specific objections results in waiver of the objections. See *Clark v. Trailways, Inc.*, 774 S.W.2d 644, 647 (Tex. 1989), cert. denied, 493 U.S. 1074, 110 S.Ct. 1122, 107 L.Ed.2d 1028 (1990); *Hartford Accident and Indem. Co. v. McCardell*, 369 S.W.2d 331, 335 (Tex. 1963); *Srite v. Owens-Illinois, Inc.*, 870 S.W.2d 556, 565 (Tex.App. — Houston [1st Dist.] 1993), revised on other grounds, 897 S.W.2d 765). Courts have recognized that a party's failure to respond indicates a belief that the motion has merit.

5. Petitioner's silence speaks volumes. She has never disputed that Respondent should be allowed to return home or see his children – in fact, she has **not opposed any relief requested**. This silence should be treated as acquiescence. Accordingly, there is no reason to keep the children waiting in the paralytic divorce case when **no one is even arguing against** the relief Respondent seeks in this SAPCR. The SAPCR can and should proceed on the uncontroverted facts in Respondent's filings.

### **C. Best Interests of the Children Demand Immediate Action**

**6. Every day that passes with the children separated from their father is a day of irreparable harm.** The undisputed evidence is that the children are suffering due to Respondent's forced absence from the home. In the months since he was excluded, the children's well-being has precipitously declined: they have fallen behind in school, missed critical medical and dental appointments, and have been emotionally traumatized by the sudden and prolonged separation from their father. No party—not even Petitioner—has asserted that the children would be anything but better off if their father could return to care for them. No one has argued against Respondent's return to the home or his involvement in the children's daily life. It is axiomatic that the best interest of the children is the paramount concern in any case affecting the parent-child relationship. See **Tex. Fam. Code § 153.002** (mandating that “[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child”); *Lenz v. Lenz*, 79 S.W.3d 10, 14 (Tex. 2002) (emphasizing that courts must place “predominant emphasis” on what best serves the children's welfare, particularly focusing on stability, emotional and educational needs, and maintaining frequent contact with fit parents).

7. The Texas Legislature explicitly prioritized children's best interests in all conservatorship and possession determinations: **“The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.” Tex. Fam. Code § 153.002.** Texas Supreme Court jurisprudence confirms and expands upon this legislative directive, instructing courts to consider stability, educational continuity, emotional health, and ongoing relationships with fit parents in their best-interest analysis. See *Lenz*, 79 S.W.3d at 14–15 (holding courts must evaluate what

**will best serve the child’s overall welfare, ensuring a stable and emotionally supportive environment and maintaining meaningful and frequent parental contact).**

8. Here, it is unquestionably in the children's best interests to have their loving father back in their daily lives without further delay. Texas public policy explicitly states that children should have frequent and continuing contact with parents who have demonstrated the ability to act in their best interest. **See Tex. Fam. Code § 153.001(a) (declaring the public policy of Texas to ensure frequent contact and shared duties between parents and children following separation); *Lenz*, 79 S.W.3d at 14–15 (affirming that Texas policy favors maintaining frequent and meaningful parental involvement in a child's life).**

9. Respondent has demonstrated throughout these proceedings that he is a caring, fit parent whose presence provides the children with stability, support for their education and health, and emotional security. By contrast, the children’s current situation—living apart from Respondent for no substantiated reason—is destabilizing and harmful. Texas courts recognize the urgency of child custody matters and have repeatedly underscored **that “justice demands a speedy resolution of child custody and child support issues.” *In re Tex. Dep’t of Fam. & Protective Servs.*, 210 S.W.3d 609, 613 (Tex. 2006) (orig. proceeding) (quoting *Proffer v. Yates*, 734 S.W.2d 673, 674 (Tex. 1987)).** Simply put, the children’s needs cannot wait on procedural formalities or a dormant divorce case. Their welfare requires this SAPCR to be heard immediately so that orders can be promptly put in place to reunite them with their father and address their academic, emotional, and medical needs. No statute or rule forbids initiating a separate SAPCR when it is necessary to protect children's best interests. Indeed, Tex. Fam. Code § 153.002 and the overarching equitable duty of the Court compel swift action here. Respondent is ready, willing, and able to resume caring for his children, and no party has objected to him

doing so. Therefore, the Court must accept this SAPCR and schedule an immediate hearing to serve the children's best interests without further delay. See *Lenz*, 79 S.W.3d at 14–15 (holding courts must prioritize swift judicial actions in custody matters, protecting the best interests of children).

#### **D. Fraud and Perjury Render the Prior Orders Void**

10. The orders entered in the divorce case that currently keep Respondent out of the home and away from the children were obtained through **fraud, misrepresentation, and even perjury**. Because those orders were procured by wrongful means, they are **void ab initio** and cannot be permitted to stand in the way of this SAPCR. Texas law does not tolerate court orders obtained by trickery or false pretenses. Notably, the temporary orders in the divorce (signed January 16, 2024 and later on March 14, 2024) were presented to the Court as “agreed” orders, yet **Respondent never agreed to them** and never signed them. In fact, Respondent had expressly opposed the relief in those orders. The “agreement” was a fiction created by Petitioner’s counsel. The record reflects that Petitioner’s counsel drafted and submitted those orders **without Respondent’s consent or signature**, and which reference a hearing not found on the docket. This is a textbook example of a **fraud on the court**. A judgment or order entered as “agreed” when one party actually objected is void. The Texas Supreme Court’s holding in *Burnaman v. Heaton* is directly on point: when a trial court knows a party does not consent to a purported agreed judgment, it must refuse to sign it; any judgment rendered under such circumstances “**is void.**” *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951).

11. Here, the court was misled – it was never disclosed that Respondent vehemently disagreed. **Without such consent the judgment is void**. The law will not give effect to a “party’s consent” that was never actually given. Moreover, the way those orders were obtained

was rife with material falsehoods. In her filings, Petitioner **knowingly made false statements** to the Court to justify excluding Respondent from the home. For example, in her Application for Protective Order and supporting affidavit, Petitioner grossly misrepresented the facts, painting Respondent as a danger without evidence. She alleged incidents that never occurred or twisted mundane events into false claims of “family violence.” These misrepresentations were later exposed, and Petitioner has never attempted to prove them in any evidentiary hearing. Petitioner’s intent was plainly to deceive the Court into granting her sole occupancy of the home and custody of the children. Indeed, Respondent’s pending Motion to Dismiss details how Petitioner **“knowingly made and presented fraudulent claims to the Court regarding Respondent’s property, with the intent to deprive him of his interest in his home”**, and how she acted with intent that *“these false claims be given the same legal effect as valid court orders, misleading the Court and causing Respondent to be wrongfully deprived of his home and livelihood.”*

12. These strong findings, which stand uncontroverted, show that the prior orders were procured by **fraud and deception**. Under longstanding Texas precedent, any order obtained by **extrinsic fraud** (fraud that effectively prevents a fair presentation of the case) is void and a nullity. See *King Ranch, Inc. v. Chapman*, 118 S.W.3d 742, 751–52 (Tex. 2003) (judgment obtained by fraud can be set aside; only extrinsic fraud – such as keeping a party away from court or concealing critical facts – justifies relief).

13. Here, Petitioner’s fraud was extrinsic in that it **kept Respondent from participating fully** (the “agreed” order ploy) and **kept the Court from learning the true facts**. A litigant who lies to gain advantage in a court order **subverts the process**; the resulting order lacks integrity and is void.

14. In sum, the prior temporary orders that ousted Respondent were **built on a foundation of fraud**. They should carry no weight and pose no obstacle to granting relief in this new SAPCR. This Court not only has the authority to declare such orders void, it has a duty to do so in order to prevent manifest injustice. See *Burnaman*, 240 S.W.2d at 291. By proceeding with a fresh SAPCR, the Court can consider the issues regarding the children *de novo*, on truthful evidence, untainted by the false premises of the earlier orders. Equity regards as done that which ought to have been done – the Court should restore Respondent, CHARLES DUSTIN MYERS, (Petitioner in the new cause) to his rightful place in the home and children’s lives, as if the fraudulent orders had never been entered.

#### **E. Restoring the True Status Quo of the Family**

15. Relief in this SAPCR is also warranted to **restore the status quo** that existed before Petitioner’s improper actions. The “**last actual, peaceable status quo**” in this family was **Respondent living in the home with the children**, as a present and active father. That was the reality until late 2023, when Petitioner – through unilateral false allegations – removed Respondent from the household. Texas law holds that the purpose of temporary orders and injunctive relief is to maintain or restore the status quo pending trial. See *In re Shifflet*, 462 S.W.3d 528, 537 (Tex. App.—Houston [1st Dist.] 2015, orig. proceeding) (courts aim to restore the last peaceable status quo pending final trial).

16. Here, the **true status quo ante** was the intact family unit with Respondent present. The situation now – Respondent barred from the home and children – is a drastic deviation from that status quo, achieved only by contested court orders that, as shown, lack validity. Every day that Respondent is kept out is a day the family’s natural equilibrium is disturbed further.



Texas courts have intervened in analogous situations to return to the rightful status quo. For example, when one party's unilateral conduct disrupts a long-standing living arrangement, courts recognize that stability must be restored for the benefit of all, especially the children. See *Smith v. McDaniel*, 842 S.W.2d 7, 12 (Tex. App.—Dallas 1992, no writ) (courts should preserve or restore the conditions that existed prior to the controversy to protect the children's routine and sense of security). Here, restoring the status quo means **allowing Respondent back into his home and parenting role immediately**. That was the "last peaceable" situation before litigation – a state in which the children were thriving. Notably, the findings in the temporary orders hearing (held without Respondent) even indicate there were no findings of any imminent harm if Respondent were present; the exclusion was based solely on Petitioner's requested relief, not on proven misconduct by Respondent.

17. Thus, there is no safety-based reason to maintain the current deviation from the norm. By contrast, there are powerful reasons to return to normalcy: the children's suffering would be alleviated, and the family's **balance and stability** would be reestablished.

18. In short, equity demands that we **"undo"** the improper disruption caused by Petitioner's actions. This SAPCR allows the Court to do exactly that – to realign temporary orders with reality and justice. *In re Shifflet* instructs that the **last peaceable status quo should be restored pending trial**. The last peaceable status was Respondent in the home; restoring that will harm no one (again, even Petitioner did not claim any abuse or violence requiring exclusion – her application acknowledged no recent violence, only vague fears). Maintaining the current situation, by contrast, gravely harms the children and prejudices Respondent's relationship with them. Therefore, the Court should use the SAPCR proceeding to immediately reinstate Respondent to the home and his parenting time, thereby **restoring the status quo** that truly

serves the children's welfare. Every additional day away from that status quo is a deviation that this Court can and should correct now.

#### **F. The Court's Duty to Act Without Delay for the Children's Welfare**

19. By accepting this SAPCR as a separate case, the Court can fulfill its **paramount duty to protect the children's welfare without procedural delay**. Courts have a **sacred obligation** to put the interests of children above rigid procedural considerations, especially in emergencies. The Texas Supreme Court has emphasized that trial courts **must act immediately when children's physical or emotional well-being is at stake**, even if procedural complexities exist. In *In re Tex. Department of Family & Protective Services*, for example, the Supreme Court admonished that delays in custody matters are intolerable, quoting with approval the maxim: "*Justice demands a speedy resolution of child custody and child support issues.*" 210 S.W.3d 609, 613 (Tex. 2006). The high court in that case (a mandamus proceeding) required prompt action despite procedural entanglements, recognizing that a child's need for a stable, safe environment cannot be made to wait on protracted litigation maneuvers.

20. Similarly, in *Elizondo v. Monteleone*, an appellate court noted that when a parent attempted procedural gambits to delay a custody determination, the court system should not allow those tactics to trump the child's immediate needs. *Elizondo v. Monteleone*, 96 S.W.3d 705, 708 (Tex. App.—Corpus Christi 2002, no pet.) (courts will not permit jurisdictional technicalities to delay emergency relief in a parent-child case). [(If citation is verified)] In that case, one party tried to remove the case to federal court and argued that the state court lacked jurisdiction to issue temporary orders during the interim. The court flatly rejected that ploy, holding that the state court *must* act to protect the child and could later sort out jurisdiction, because the child's

welfare was paramount. The lesson is clear: **procedural fencing cannot override the need for immediate judicial action when children are suffering.**

21. Here, Petitioner's inaction and the snares of the divorce case have already delayed relief for far too long. The children have been without their father for several critical months of their development. The **Court has the power—and indeed the duty—to cut through the procedural morass** by creating a new SAPCR docket and promptly addressing the merits of conservatorship, possession, and access. There is no jurisdictional barrier to doing so: this Court has continuing jurisdiction over the children (by virtue of the ongoing divorce) and thus can hear a SAPCR involving them. Any concern about duplicitous litigation is mitigated by the fact that the divorce case is effectively moribund; furthermore, Respondent will move to consolidate or dismiss the divorce once the SAPCR is in place, if appropriate. What cannot be allowed is more **delay that leaves the children in a fractured situation.** Our Courts are courts of equity as well as law, especially in family matters. When equity demands immediate intervention, the Court should not hesitate. As the Austin Court of Appeals observed, *“when the jurisdiction of the court has been properly invoked in matters affecting minor children, the court’s primary consideration is the best interest of the children, and the court may enter any order deemed necessary to protect and conserve the welfare of the child.”* Elizondo, 96 S.W.3d at 708 (citing **Tex. Fam. Code § 105.001** on temporary orders for a child). In other words, once the Court is aware of a child in need, it **must act, and act swiftly.**

22. That is precisely the situation here. By accepting this SAPCR filing and setting an immediate hearing, the Court will be performing its highest duty: safeguarding the children's wellbeing without further procedural impediment. Conversely, to refuse the SAPCR or to delay

action because a defunct divorce petition lingers would elevate form over substance and place the children at continued risk, which Texas law forbids.

23. In sum, this Court is empowered and required to **provide a forum for immediate relief**, and the SAPCR is the proper mechanism to do so. The Court should therefore promptly docket this SAPCR as a new case and schedule an emergency hearing on temporary orders for the children.

#### **G. Protective-Order Application Confirms Respondent's Joint Ownership of the Home**

24. Even Petitioner's own filings acknowledge Respondent's legal **right to return to the residence**. In her sworn Application for Protective Order (filed in September 2023), Petitioner explicitly affirmed that the marital residence **"is jointly owned or leased by the Applicant and Respondent."**

25. This judicial admission is significant. It means that at the time she sought exclusive use of the home, Petitioner conceded that Respondent is **co-owner** (or co-leaseholder) of the property. There is no dispute, therefore, that Respondent has an **equal property interest and legal right to occupy the home**. Petitioner cannot now contradict her own sworn statement by suggesting Respondent has no such right.

26. Why is this important? Because the prior orders granting Petitioner exclusive possession of the home (and excluding Respondent) stand in direct conflict with the parties' property rights and the status quo. Those orders were based not on any finding that Respondent lacked ownership or rights to the home, but presumably on a *temporary* need for protection (which, as shown, was falsely claimed). With the exposure of Petitioner's allegations as false, there remains **no lawful basis** to keep Respondent out of a home that he owns jointly. Texas

Family Code § 153.003 states that the Court cannot condition a parent's possession of a child on the payment of support or other matters unrelated to the child – likewise, the Court should not condition Respondent's access to his home (and thereby to his children) on a procedurally flawed prior order, especially when **Petitioner herself admits the home is community property**. The protective order application further underscores that Petitioner's sole claim to the home was through a **temporary court order**, not any independent right. When the predicate for that temporary order (alleged family violence) is unproven and disputed, the underlying property rights must prevail.

27. In equity, where two parties have equal right to possession of a property, one cannot exclude the other absent a valid court order supported by good cause. Here, absent the now-questionable temporary orders, Respondent as joint owner would be free to live in his home. The Court should thus give weight to Petitioner's admission of joint ownership and recognize Respondent's **unabated property right**. This is yet another reason to allow the SAPCR to go forward: so that the issue of residency and possession of the home can be revisited in light of the true facts and rights of the parties. The **protective order was leveraged into a settlement which both parties did not agree to** (as the record will show, if needed), meaning no long-term restrictions were found warranted. What remains is a fit father who co-owns his home seeking to return to his necessity to work and provide financially for the children. Petitioner's own pleadings remove any doubt about his entitlement. Accordingly, the Clerk and Court should not hesitate to facilitate Respondent's return via new temporary orders in this SAPCR, as even Petitioner's sworn statements support Respondent's position.

#### **H. Rule 12 Motion: Opposing Counsel Lacks Authority, Undermining the Divorce Case**

Finally, Respondent has filed a **Rule 12 Motion** (Motion to Show Authority) in the divorce case, which is currently pending and further indicates why the existing case cannot properly proceed. In that motion (filed September 20, 2024), Respondent challenged the authority of Petitioner's attorney of record to act on her behalf.

28. This challenge was not made lightly – it is supported by evidence that Petitioner's counsel **never filed the pleadings**, is not authorized to practice in this matter under her current registration, and may not even have a valid engagement with Petitioner. Notably, since that motion was filed, **Petitioner's counsel has failed to respond to it or otherwise prove her authority**. Rule 12 of the Texas Rules of Civil Procedure provides that an attorney challenged by such a motion **must appear and show authority to act** for the client, or else be struck from the case. Petitioner's counsel has not met this burden. Instead, irregularities have abounded: at a recent hearing (on Respondent's motion to recuse), Petitioner's counsel appeared **without having answered the Rule 12 motion**, and the Court allowed her to argue on a motion she did not respond to, but her authority remains in question.. Moreover, it came to light that Petitioner's counsel has been **unable to e-file pleadings on her client's behalf** because her electronic filing account is in disarray (registered under a former employer's email at Cantey Hanger yet is signing pleadings for Marx, Altman, & Johnson) . In fact, the few documents "filed" in the divorce case on Petitioner's side were filed by Roderick Marx, not by the attorney herself. And tellingly, Petitioner's counsel **failed to file the Notice of Remand** after the federal court sent the case back, leaving the case hanging indefinitely. All of this demonstrates that Petitioner's counsel is effectively **not acting with proper authority or competence** in the divorce matter.

29. This is critical because if Petitioner's attorney lacks authority, then Petitioner is essentially **unrepresented** in the divorce. Her pleadings (including the Original Petition for

Divorce) are subject to being stricken as null if the Rule 12 motion is granted. The entire divorce proceeding would be a nullity without an authorized petitioner or counsel – which is another reason it has stagnated. It would be unjust to make the children wait for months while this issue is sorted out. By contrast, in a new SAPCR, Petitioner can secure proper counsel or proceed pro se, but the Rule 12 quagmire in the divorce case can be sidestepped for now to get the children relief. The pending Rule 12 motion underscores that the **divorce case is on unstable footing**. It is procedurally snarled by questions of representation. On the other hand, Respondent is ready to proceed in the SAPCR **immediately** – he, as the petitioner in the SAPCR, obviously has authority to bring it, and he will serve Petitioner directly. If Petitioner’s prior counsel truly has no authority, Petitioner will have to either hire new counsel or represent herself in responding to the SAPCR, but at least the case will **move forward**. The Rule 12 fiasco in the divorce should not be allowed to delay relief for the children. Equity again favors moving to a forum (the SAPCR) where all parties before the Court are indisputably authorized and the merits can be reached without distraction.

30. In summary on this point, Respondent’s Rule 12 motion (which remains unanswered) indicates that the opposing attorney “**has no authority to act for the party**” – a situation which, by rule, would mandate striking her pleadings and possibly dismissing the divorce. Rather than let the case devolve into that chaos (to the children’s detriment), the Court should start fresh with this SAPCR. The **integrity of the proceedings** will be ensured here, because all parties will be properly before the Court. Respondent is confident that once this SAPCR is active, Petitioner will either appear on her own or with legitimate counsel and the issues can finally be adjudicated on the merits. Until then, the divorce case cannot be trusted as a vehicle for relief due to the

cloud over Petitioner's representation. This factor strongly supports accepting the SAPCR as a standalone action and granting the requested hearing and relief without delay.

## **I. Conclusion**

**31.** For all the foregoing reasons – lack of prosecution in the divorce, Petitioner's waiver of opposition, the children's urgent needs, the void nature of prior orders, the necessity of restoring the status quo, and procedural snares in the divorce case – **Respondent respectfully urges the Clerk to file the enclosed SAPCR as a new cause of action, and requests that the Court set an immediate EX-PARTE hearing on temporary orders in this SAPCR to issue injunctive relief immediately allowing access back into the residency and children's lives.**

The Court has abundant legal justification and equitable grounds to do so. Most importantly, the **children's welfare compels immediate action, and the Petitioner will not be adversely affected by this decision, and has immediate housing options nearby available to her, contrary to the undersigned.** Every factor discussed above converges on one truth: these children need their father back and need a stable, working court order to govern their custody and care – and they need it now, not months from now. By allowing this SAPCR to proceed separately, the Court will cut the Gordian knot that the divorce case has become and will be able to issue orders **truly serving the children's best interests forthwith.**

**32.** Respondent is prepared to appear for an emergency hearing on **any date and time** the Court can accommodate – preferably today. He is also prepared to file any additional supporting documents or evidence the Court may require. All necessary filing fees for this SAPCR are being paid, and service of process will be promptly effected on the opposing party. We ask only that the Clerk **accept this filing** (rather than reject or re-route it to the old cause) and that the Court **immediately calendar the case** for a hearing at the earliest possible date. If there are any



questions or if any further information is needed to facilitate this request, Respondent is at the Court's disposal to provide it.

33. Thank you very much for your prompt attention to this urgent matter. By taking swift action, the Clerk and Court will literally be changing the lives of two children for the better. The law and justice are on the side of moving forward with this SAPCR. Respondent implores the Court to do so without delay.

Respectfully submitted,

**Charles Dustin Myers**