

No. _____-CV

IN THE
SECOND JUDICIAL DISTRICT COURT OF APPEALS
AT FORT WORTH, TEXAS

IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

Petition for Writ of Prohibition
to the 322nd Judicial District Court, Tarrant County
Cause Number 322-744263-23
Hon. Jeff Kaitcer Presiding

PETITION FOR WRIT OF
MANDAMUS

Respectfully submitted by:

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ORAL ARGUMENT REQUESTED

Emergency Relief Requested before 04/24/2025

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Statement of the Case

Nature of Underlying Proceeding: This original proceeding arises from a family law matter pending in the **322nd District Court of Tarrant County, Texas**, styled *In the Matter of the Marriage of Morgan Michelle Myers and Charles Dustin Myers and in the interest of M.E.M. and C.R.M., two children*. Cause No. 322-744263-23. The underlying case is a **divorce and child custody proceeding** consolidated with a **protective order suit** initiated by the Real Party in Interest, Morgan Myers.

Respondent Judge: The Respondent Judge, Honorable Jeff Kaitcer, is the presiding Associate District Judge of the 322nd District Court of Tarrant County, Texas. His office is located at 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227.

Respondent's Challenged Actions: Relator seeks relief from the Respondent's entry of Temporary Orders on March 14, 2024, which were rendered as "agreed" orders despite Relator's withdrawal of consent, deviation from the terms of a prior associate judge's report, and in violation of his own directives.

Statement of Jurisdiction

This Petition for Writ of Mandamus is filed in the Second Court of Appeals, which has jurisdiction to issue writs of mandamus to Associate Judges within its district. **See** Tex. Gov't Code § 22.221(c)(2). Respondent is the Associate Judge of the 322nd District Court of Tarrant County, which lies within the Second Court of Appeals District. Accordingly, this Court has jurisdiction over this original proceeding.

Issues Presented

- A. Whether the trial court clearly abused its discretion by repeatedly failing to apply mandatory procedural safeguards under the Texas Family Code—culminating in temporary orders erroneously rendered as a consent judgment without the consent of both parties, causing ongoing, irreparable harm and thus warranting mandamus relief.
- B. Whether the trial court’s prolonged inaction on critical pending motions, combined with opposing counsel’s failure to prosecute for over eleven months, constitutes a clear abuse of discretion—leaving Relator without an adequate remedy by ordinary appeal, and thus requiring immediate mandamus relief to prevent further harm.

Statement of Facts

“**MR**” in this section refers to the mandamus record.

“**APP**” refers to the relator’s appendix.

“Mother” refers to Real Party in Interest

“Father” refers to the Relator

1. On December 14, 2023, Mother sought an ex-parte order of protection from the 322nd district court, which was unsuccessful. **MR. 2.7**

2. On December 15, 2023, Mother withdrew all the finances out of the joint marital PNC bank account, amounting to \$1,576 and traveled to Yukon, Oklahoma.

MR. 19.4

3. On December 18, 2023, Mother filed for divorce, and claimed in her petition that an active order of protection existed against Father, waiving the 60-day waiting period. **MR. 2.7**

4. On December 22, 2023, Mother applied for a standard protective order from the 322nd District Court, claiming family violence occurred on December 18, 2023. **MR. 3**

5. On January 2, 2024, Father filed a DEFENDANT’S ANSWER to the protective order suit, and raised the affirmative defenses of duress, illegality, and fraud, and claimed mother was abusing the legal process. **MR 4.2**

6. On January 3, 2024, Father filed a MOTION TO CONSOLIDATE explaining the relationship between cause numbers 322-744538-23 and 322-744263-23 **MR. 5.1** with an attached EXHIBIT A - BACKGROUND REPORT FOR CASE CONSOLIDATION explaining the family dynamics and concurrent proceedings and raised allegations against Mother. **MR. 5.5-5.6**

7. On January 16, 2024, the parties appeared and announced not ready at a hearing for Father to show cause why a protective order should not be issued against him, where the District Judge ordered Father to vacate the family residence by 2:30 P.M. that same day, granted a continuance, and consolidated the protective order suit with the earlier filed divorce matter, and the case was reset for January 22, 2024. **MR. 6.1.**

8. At the January 22 setting, Father appeared and announced ready by counsel, Dan Bacalis, and Mother approached COOPER L. CARTER in the lobby of the courtroom minutes before the hearing was set to start at 9:00 A.M. and allegedly retained her and requested continuance to delay the case further until February 1, 2024. **MR. 7.1**

9. At the February 1, 2024, there was no hearing, the parties showed up and discussed settlement in the hallway, and Father's counsel drafted a questionable settlement agreement between the parties. **APP 4.1**

10. Left with no other alternative than to sign, Father paid close attention to the terms of the agreement, which were:

- i. A typed written Order conforming to the report was to follow 20 days from the signing of the agreement.
- ii. The temporary order *shall* be prepared by **DAN BACALIS**.
- iii. Each attorney should approve the order.
- iv. The parties themselves do not need to approve the order.
- v. The attorney reviewing the proposed order shall have 5 days.
- vi. There are no ten-day letters.
- vii. If an agreement is not reached, a Motion to sign *shall* be filed and set thirty days from the signing of the report. **APP. 4.5**

and he signed the agreement. **MR. 4.5**

11. On February 8, 2024, an Agreed Order to Consolidate was issued without Father's signature or knowledge. **APP. 3.2**

12. On February 5, 2024, Father emailed Dan Bacalis and terminated his services for failing to adequately represent his and his children's interests **MR. 10.1** and filed a notice with the court. **MR. 10.2**

13. On February 6, 2024, DAN BACALIS filed an AGREED MOTION FOR WITHDRAWAL OF ATTORNEY, and Father signed it. **MR 10.4, 10.6**

14. On February 8, 2024, Respondent signed an ORDER FOR WITHDRAWAL OF ATTORNEY. **MR 11.2**

15. On February 8, 2024, Respondent filed an EMERGENCY MOTION TO RECONSIDER EVIDENCE AND VACATE TEMP ORDERS. **MR 12, 12.5.**

16. On February 14, 2024, the coordinator requested availability, and the opposing counsel could only be available for March 14, 2024. **MR. 13.2**

17. On February 14, 2024, at 3:55 P.M., the opposing counsel claimed she would be filing a counter motion. **MR. 13.3**

18. On February 27, 2024, a notice of hearing was served to all parties for the setting of March 14, 2024. **MR. 14.6**

19. On March 3, 2024, Father filed a NOTICE AND UNSWORN DECLARATION with the court, stating that he would not be leaving the family home and provided insight into recent developments. **MR. 15.1**

20. On March 6, 2024, Mother illegally locked the Father outside of the family residence. **MR 19.16**

21. On March 14, 2024, the parties attended the hearing, and just moments prior, Father was served Temporary Orders by opposing counsel. **APP. 1**

22. The March 14, 2024, temporary orders claim, “as evidenced by the signatures below all parties agree to the terms of this order.” **APP. 1.1**

23. Father’s signature does not appear on the March 14, 2024, temporary orders. **APP 1.38**

24. On March 14, 2024, Father’s emergency motion was denied, and he was ordered to sign the reduced temporary orders based on the associate judge’s report from February 1, 2024. **APP. 2.1**

25. The March 14, 2024, associate judge's report was written by the opposing counsel, and the judge added "for his business." **MR. 18.1**

26. Father refused to sign either the associate judge's report or the orders because he did not agree to them, and they did not follow their own directive as incorporated in statement of fact #18 **APP 4.5**

27. Father filed a REQUEST FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW on March 26, 2024. **MR 18**

28. Father spent between April 8, 2024, and October 18, 2024, appealing to the Texas Supreme Court. **MR 1**

29. On September 19, 2024, Father requested discovery from the opposing party, including a request for production and admissions. **MR. 19.11.**

30. The opposition failed to answer the admissions and are now admitted by operation of law. **MR 19.13**

31. Father filed a MOTION TO COMPEL DISCOVERY on January 21, 2025. **MR 19.2**

SUMMARY OF THE ARGUMENT

This mandamus petition runs concurrently with cause number **02-25-00164-CV**, currently at the rehearing stage following a summary denial issued April 11, 2025. Relator seeks immediate relief from facially void temporary orders—issued without consent or required findings—that have deprived him of his home, children, and fundamental due process rights for over a year. Despite clear procedural violations and substantial ongoing harm, the trial court’s prolonged inaction and procedural irregularities have effectively denied Relator any meaningful avenue for relief through ordinary appellate remedies, necessitating this court’s immediate mandamus intervention.

ARGUMENT

A. Mandamus Standard

Mandamus is available when a trial court clearly abuses its discretion or violates a legal duty, and no adequate remedy by appeal exists. See *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). This Court has a duty to intervene when a trial court’s actions cause irreparable harm, particularly when they infringe on constitutional rights or ignore statutory mandates. See *In re Lee*, 411 S.W.3d 445, 454 (Tex. 2013). Such is the case here, as shown below. The argument examines four separate orders which have left Relator significantly prejudiced from the outset and with no explanation provided in the last year of

one-sided, un-opposed litigation. ***MR 1*** The trial court below has abused its’ discretion across four separate settings that produced no valid outcome and ongoing harm.

B. Setting #1 January 16, 2024 – “Kick-Out” Order

The trial court's order dated January 16, 2024, violated critical provisions of the Texas Family Code designed explicitly to protect fundamental due process rights in family law matters. Specifically, the order disregarded mandated findings required under Texas Family Code § 85.001 before a party can be excluded from their residence. To lawfully exclude Mr. Myers, the court was required to find from credible evidence that the applicant resided on the premises within the preceding 30 days, that Mr. Myers committed family violence within the same timeframe, and that a clear and present danger of continued family violence existed absent his exclusion. None of these essential statutory conditions were met, as the hearing was continued and consolidated, but never substantively heard ***APP 6.1***.

Moreover, the January 16 exclusion order flagrantly violated procedural requirements for temporary orders in suits affecting the parent-child relationship (SAPCR) under Texas Family Code § 105.001. ***APP 8.1*** Mr. Myers's exclusion from his home effectively severed access to his children without any evidence or testimony presented, and without the requisite evidentiary hearing being held. Such action directly breached §105.001(b), which prohibits rendering an order

related to temporary conservatorship without first providing notice and holding an evidentiary hearing. **APP 8.1**

Additionally, this order egregiously contravened fundamental due process protections under both the United States and Texas Constitutions. By forcibly removing Mr. Myers from his home and separating him from his children without affording any meaningful opportunity for notice, hearing, or objection, the trial court infringed upon his fundamental liberty interests recognized under the Fourteenth Amendment to the U.S. Constitution and Article I, §19 of the Texas Constitution. **APP 13** Both provisions unequivocally guarantee protection from arbitrary deprivation of life, liberty, or property without due process of law, mandating at a minimum adequate notice and a meaningful opportunity to be heard before any severe deprivation occurs (*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950)).

In sum, the January 16, 2024, order initiated a chain of events resulting in the unlawful disruption of a fit parent's relationship with his children, inflicted ongoing harm upon Mr. Myers's at-home business operations, and clearly undermined the explicit statutory mandate prioritizing the child's best interests in conservatorship and possession matters (Texas Family Code § 153.002). This improper order set a detrimental course, being subsequently reset on January 22, 2024, without rectifying these foundational legal defects.

C. Setting #2 - January 22, 2024 - Extension

The due process violations compounded at the January 22, 2024, setting. Relator appeared ready for the rescheduled hearing, prepared to finally confront the allegations. The opposing party, however, thwarted any hearing by engaging new counsel at the courtroom door moments before the start and requesting a continuance, which was granted without a motion. **MR. 7.1**

Over Relator's objection, the trial court granted the continuance – again without any evidence or affidavit showing good cause, in contravention of Tex. R. Civ. P. 251 (which permits continuances only for sufficient cause supported by affidavit or with consent). Here, the “temporary” order ousting Relator – already issued without basis – was prolonged with no procedural safeguards. The court's indulgence of the opposing party's delay tactics deprived Relator of any prompt post-deprivation hearing to which he was entitled. Relator remained out of his home and apart from his children under an unauthorized extension of an already unlawful order. **APP 5.1** This Court should not countenance such end-runs around due process. When a parent has been deprived of fundamental rights, the onus is on the trial court to hold a prompt, lawful hearing – not to repeatedly delay and extend the deprivation. The trial court's actions on January 16 and 22 reflect a complete collapse of the procedural safeguards that protect litigants; mandamus is warranted

to address this egregious scenario where ordinary process failed. Yet, the case reset once more for February 1, 2024. *APP 5.1*

D. Setting #3 - February 1, 2024 – “Settlement”

By February 1, 2024, the case had been set for hearing after two delays. On this date, instead of conducting a contested evidentiary hearing on the pending matters, Mr. Myers’s counsel presented him with a purported “**settlement**” **agreement**. *APP 4.1* This agreement – which Mr. Myers felt pressured to accept – **granted primary custody of the children to Morgan Myers** and imposed continued restrictions on Mr. Myers’s access and rights, closely mirroring the very conditions initially imposed by the illegal kick-out order. *MR 8.1-8.3* In essence, although the allegation of family violence had **collapsed** by this time, the resulting temporary orders on February 1 still treated Mr. Myers as if he were a proven abuser. In fact, as part of the settlement offer, Mrs. Myers *non-suited* the protective order suit *APP 4.3*, effectively escaping her burden of proof, and leaving the father significantly prejudiced.

Mr. Myers signed the agreement under duress, an affirmative he raised in his defendant’s answer, *MR. 4.2* and because he paid close attention to the requirements outlined in statement of fact #18. What’s important to note here is that both the January 22nd, 2024 and February 1st, 2024 reports were prepared by counsel, *not* the Respondent judge. An examination of *APP 2* reveals the

Respondent's handwriting on the bottom portion of the page, and the opposing counsel's handwriting on the top part of the page, while **APP 4** is the handwriting of Mr. Myers' prior counsel, Dan Bacalis.

Notably, that same day, Mr. Myers's counsel signed an "Agreed Order of Consolidation." **APP 3.2** As the docket reflects, Mr. Myers himself had filed a Motion to Consolidate on Jan. 2, 2024, seeking to consolidate the related cases so that all issues could be heard together with a background report. **MR. 1.1 (DKT 9)**, **MR. 5.1** The court never ruled on Mr. Myers's motion in a proper manner. Instead, on Feb. 1, the court had the parties sign an agreed consolidation order – after the fact of the court's own *sua sponte* consolidation on Jan. 16, **APP 6.1** and without Mr. Myers' involvement.

This procedural maneuver effectively **papered over** the court's earlier irregular consolidation, proving further that Mr. Myers' attorney was inadequate. It also meant that Mr. Myers's evidence and arguments in support of consolidation – particularly the factual background report debunking Morgan's claims **MR 5.4** – were never formally addressed – something his attorney should have seen on the docket but chose to ignore outright. **MR 1.2**

By consolidating the cases without acknowledging Mr. Myers's filings, the court again sidelined Mr. Myers's opportunity to put his evidence on record. The agreed consolidation order that Mr. Bacalis signed did not cure the due process

problem; it merely merged the dockets while leaving Mr. Myers's substantive defenses unheard and lacks Mr. Myers signature. In fact, it appears as if everyone was involved *except* Charles, as his signature is the only one missing. **APP 3.2**

Indeed, this missing signature was a foreshadowing of what was to come, and Mr. Myers was faced with one month of time to figure out this situation, and began strategizing to advocate on behalf of his children's best interests— beginning with the termination of his attorney on February 5, 2024.

E. Termination of Counsel

Given Mr. Myers' attorney failing to represent his interests adequately, he was terminated on February 5, 2024, **MR 10.1** a notice was filed with the court, **MR 10.2**, and an AGREED MOTION FOR WITHDRAWAL OF ATTORNEY followed. **MR 10** The order was signed by the Associate Judge on February 8, 2024. **APP 11.1**

That same day, father prepared an emergency motion to challenge the basis for the entire proceedings and expose Mrs. Myers deliberate misuse of the legal system and destruction of the status quo. **MR 12.1** This motion provided insights into the *nature of the suits* brought against Mr. Myers, **MR 12.6** the *frivolous claims and false statements made against him* **MR 12.8**, gave the court insights into how the protective order hearings were handled improperly, **MR 12.10**, and after conferring with counsel about available dates, March 14th was chosen to hold

a hearing on the matter, and opposing counsel claimed she would be filing a counter motion, which never came. **MR 13.3**

It's important to note that the claims raised against Mrs. Myers are now, in part, admitted by default pursuant to Tex. R. Civ. P. 198, including the claims that: 1) she transferred \$1,576 to herself on December 15, 2023, using a third party family member to effectuate the transfer, and that she illegally locked Mr. Myers out of the family home on March 6, 2024. **MR 19.13**

In other words, the Relator gave notice that he was reasserting his right to his residence absent a valid court order to the contrary, and that it was in the best interests of his children. In retaliation, on March 6, 2024, **the Real Party unilaterally locked the Relator out of his own house.** This extrajudicial “self-help” occurred while Relator’s emergency motion was still pending undecided. The trial court again failed to intervene or provide any immediate remedy. By the time the March 14 hearing arrived, the Relator had been effectively kept from his home and children for nearly two weeks, once again grounded in illegality. Such **irreparable harm to a parent’s rights** and the unjustified severance of bonds between the parent-child relationship without adjudication is precisely the kind of situation mandamus is designed to address. The family code’s paramount concern – the children’s best interest (Tex. Fam. Code § 153.002) – was ill-served by this protracted, lawless limbo. Rather than stability or a thoughtful interim

arrangement, the children were subjected to a legal free-for-all, with one parent ousted and silenced without any findings of fact. The trial court's indifference to Relator's emergency pleas and the Real Party's self-help enforcement demonstrates an abdication of judicial responsibility warranting mandamus.

F. Setting #4 – The March 14 proceedings

The climax of this procedural saga came on March 14, 2024. On that day, the court was finally set to hear Relator's Emergency Motion (and other pending motions). Instead of a fair hearing, Relator was ambushed with a set of "Agreed Temporary Orders" moments before the proceeding. *APP 1* Opposing counsel handed Relator a draft order purporting to memorialize the Feb. 1 settlement – but the terms diverged from what Relator had understood and never bore his signature or approval.

On page 1, the orders claim that the court heard a motion that was never set for hearing *APP 1.1*, and misrepresent the February 1st, 2024, setting. There was no hearing on February 1st, 2024, as it was the second reset given the prior continuance granted by the Respondent on January 22, 2024. In fact, Real Party only made one appearance in the entire case throughout four settings, and the Relator made two appearances. *MR. 1* Just a cursory review of the docket sheet itself shows the glaring procedural abnormalities that should at the very least warrant investigation by this court.

The initial terms stated that Mr. Myers would remain in the home until March 1, 2024, yet on the orders handed to him, the dates changed, allowing Mr. Myers in the home until March 20, 2024, and Mrs. Myers to takeover on March 30, 2024. **APP 1.28** This left a **10-day window** where the children would have been homeless and **extended** Mr. Myers' time in the home which he had just been locked out of on March 6, 2024, by Mrs. Myers.

The "hearing" was not meaningful in any way, as it resulted in the summary denial of Mr. Myers' motion despite no response being given. This associate judge's report containing the denial was prepared by the opposing counsel and was prepared *prior* to the start of the hearing. It can clearly be seen that the Associate Judge penciled in "*for his business*" on the order that was otherwise prepared by the opposing counsel. On line three, counsel for Mrs. Myers wrote "it is ordered that the parties shall present the temporary orders regarding the associate judge's report signed 2/1/2024 by 1:30 PM today." **APP 2.1**

Now, if we defer back to the referenced agreement, it had stipulations set forth by the same judge. When taking those requirements, the clear abuse of discretion becomes apparent:

1. The typed written order was prepared 30 business days after the date the report was signed, or 42 calendar days.
2. The report was **not prepared** by Dan Bacalis.

3. Only opposing counsel for Mrs. Myers approved the order.
4. Provision 4 was technically followed.
5. The attorney reviewing the order was the same attorney who prepared it.
6. No agreement was reached, and no motion to sign was ever filed. **APP**

1.38

Mr. Myers then requested findings of fact and conclusions of law on March 26, 2024, and of course, no findings were ever issued because no facts were ever established outside of Mr. Myers' pleadings which remain ignored. **MR. 18**

Without a court reporter present at the March 14 proceeding, the only way for Mr. Myers to object to these orders was to not sign them despite the judge's order. This was not done by Mr. Myers out of disrespect but was done to protect his rights that have been continuously violated up to this point. **APP. 1.38**

G. The aftermath – silence from April 2024 until March 2025

After the March 14 setting, the remainder of the docket shows a one-sided attempt to seek relief, including before this court. Mr. Myers filed a Petition for Writ of Mandamus in this court on April 8, 2024, and was denied *per curiam* all the way up through the Supreme Court.

After denied being heard at the top level, Mr. Myers continued to strategize to try and correct this life-altering situation that has left him in between houses and with significant business losses. *See MR 1.* He now returns to this court in the

same position as before, with one year of wasted time and no answers provided since. Instigating recusal proceedings and federal removal were merely steps in the relief process as Mr. Myers has no adequate remedy by an appeal.

The only key events relevant to this mandamus after the March 14 proceedings occurred on September 17, 2024, Mr. Myers requested discovery from the opposing party, and received no response, leading to a motion to compel discovery being filed on November 15, 2024. **MR 19.1**

Since January 16, 2024, Mr. Myers has received only *per curiam* denials and now has two concurrent mandamus petitions before this court. The instant matter, and the related matter of No. 02-25-00164-CV, which currently sits at the rehearing stage, tell the full story of what has happened below when put together minus the administrative remedies pursued between October and December of 2024.

Mr. Myers now faces imminent homelessness, has had his relationship with his children significantly damaged, and his business that both Mrs. Myers and the children have relied on for financial stability has been dismantled.

While the motive of Mrs. Myers and the true nature of her conduct may not be adjudicated to the merits here, it is important that this court step in, and declare the March 14, 2024, temporary orders for what they are: ***void ab initio***. Only then can the true nature of Mrs. Myers actions be revealed to the court outside what she has already admitted by default for failing to answer requested admissions in a

timely manner, which falls on the lack of prosecution exhibited by her legal representative, who has made no effort to participate in these proceedings.

The constitutional dimension of this travesty cannot be overstated: fit parents have a fundamental liberty interest in the care, custody, and control of their children (*Troxel v. Granville*, 530 U.S. 57, 65 (2000); *In re C.J.C.*, 603 S.W.3d 804, 807 (Tex. 2020)). The law presumes that fit parents act in their child’s best interests and the State may not infringe on parental rights “simply because a judge believes a ‘better decision’ could be made”. *Id.* Yet Relator – an indisputably fit father with no findings against him – has been treated worse than an unfit parent: stripped of custody and even access to his children with no lawful basis. The March 14 orders epitomize the trial court’s disregard for Relator’s fundamental rights and the governing law.

The orders here were plainly rendered as consent orders despite the undeniable absence of Relator’s genuine consent. Texas precedent firmly establishes that a court may not render a valid consent judgment unless consent exists at the very moment the court enters its judgment (*Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951)). Where, as here, consent was explicitly withdrawn and demonstrably coerced, the resulting orders are not merely voidable—they are void ab initio, representing an outright nullity under Texas law.

PRAYER

Without any evidence, testimony, or action by the opposing party, this case relies on the pleadings and procedure. Nobody opposes the relief sought here. Nobody argues with the points made here. The Court now stands at a critical juncture where its action—or inaction—will determine whether justice remains accessible to those who have been systematically denied it. Mr. Myers has exhausted every available legal avenue, meticulously following Texas law while being met with procedural roadblocks, judicial indifference, and per curiam denials that offer no explanation or remedy.

The extraordinary circumstances of this case cry out for the extraordinary remedy of mandamus. From January 16, 2024, onward, the children went from having both parents in their daily lives to *neither* parent in their daily lives. At every turn – the normal safeguards of our legal system failed, leaving Relator with no adequate remedy except this Court’s intervention. Texas law does not permit a parent’s fundamental rights to be stripped away on an improvised, evidence-free basis, yet that is exactly what happened here. Relator’s relationship with his children hangs in the balance, and each day of unwarranted separation is harm that cannot be undone to his business and livelihood.

A per curiam denial here will only result in the continuation of Mr. Myers’ perpetual journey for justice.

WHEREFORE, all promises considered, Relator respectfully prays that this court immediately:

1. Issue a writ of mandamus directing the trial court to vacate the March 14, 2024, “Agreed Temporary Orders,” which are void under *Burman*; See **APP 1.11**

2. Alternatively, issue a reasoned, written opinion to ensure meaningful appellate review, as required by fundamental fairness and the rule of law given the time this matter has been pending;

3. Issue any further relief that justice may require given the extraordinary circumstances presented herein, in both equity, efficiency, or in any other manner the court deems just and right;

Respectfully submitted,

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Certification (TRAP 52.3(j))

Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.

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Certificate of Compliance (TRAP 9.4(i)(3))

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document contains **4227 words**.

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PRO-SE RELATOR

CERTIFICATE OF SERVICE

Relator certifies that on April 14, 2025, a true and correct copy of the foregoing Petition for Writ of Mandamus was served on all parties and counsel of record as follows:

Respondent

Hon. Jeff Kaitcer
Associate Judge, 322nd District
Court Tarrant County Family Law
Center 200 E. Weatherford St. 4th
Floor Fort Worth, TX 76196
817-884-1888

Via electronic submission to the court coordinator

Via email: LKBaker@tarrantcountytexas.gov

Real Party In Interest

Morgan Michelle Myers
Real Party in Interest

MORGANMW02@GMAIL.COM

COUNSEL FOR REAL PARTY IN INTEREST

Cooper L. Carter
Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, TX 76116
coopercarter@majadmin.com

INTERVENOR

Holly Hayes

2001 Beach St
Fort Worth, TX 76103-2308
817-459-6878
CSD-Legal-914@oag.texas.gov
TEXAS O.A.G.

No. _____-CV

IN THE
SECOND JUDICIAL DISTRICT COURT OF APPEALS
AT FORT WORTH, TEXAS

IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

Petition for Writ of Mandamus
to the 322nd Judicial District Court, Tarrant County
Cause Number 322-744263-23
Hon. Jeff Kaitcer Presiding

RELATOR'S APPENDIX

Respectfully submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
6641 Anne Court
Watauga, Texas 76148
Pro-se Relator

EMERGENCY RELIEF REQUESTED

ITEM	NAME
TAB1	TEMPORARY ORDERS SIGNED 03.14.24
TAB 2	ASSOCIATE JUDGE’S REPORT 03.14.24
TAB 3	ASSOCIATE JUDGE’S REPORT 02.01.24
TAB 4	AGREED ORDER TO CONSOLIDATE 02.01.24
TAB 5	ASSOCIATE JUDGE’S REPORT 01.22.24
TAB 6	DISTRICT JUDGE’S RENDITION 01.16.24
TAB 7	TEX. FAM. CODE § 85.001(a)
TAB 8	TEX. FAM. CODE § 105.003(b)
TAB 9	TEX. FAM. CODE § 153.002
TAB 10	TEX. R. CIV. P. § 198
TAB 11	TEX. R. CIV. P. § 251
TAB 12	TEX. CONST. ART. 1, § 19
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TAB 1

TEMPORARY ORDERS

03.14.24

APP

CAUSE NO. 322-744263-23**IN THE MATTER OF
THE MARRIAGE OF****MORGAN MYERS
AND
CHARLES MYERS****AND IN THE INTEREST OF
M [REDACTED] M [REDACTED] AND C [REDACTED]
M [REDACTED], CHILDREN**§
§
§
§
§
§
§
§**IN THE DISTRICT COURT****322ND JUDICIAL DISTRICT****TARRANT COUNTY, TEXAS****TEMPORARY ORDERS**

LJC
On February 8, 2024, the Court heard Petitioner's motion for temporary orders.

Appearances

Petitioner, MORGAN MYERS, appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

Respondent, CHARLES MYERS, appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

The parties have agreed to the terms of this order as evidenced by the signatures below.

Jurisdiction

The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties.

Children

The following orders are for the safety and welfare and in the best interest of the

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following children:

Name: M [REDACTED] M [REDACTED]
Sex: Female
Birth date: 7 years
Home state: Texas

Name: C [REDACTED] M [REDACTED]
Sex: Female
Birth date: 5 years
Home state: Texas

Conservatorship

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: M [REDACTED] M [REDACTED] and C [REDACTED] M [REDACTED]

IT IS ORDERED that, at all times, MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities, including school lunches, performances, and field trips;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an

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emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, MORGAN MYERS and CHARLES MYERS, as parent temporary joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is

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registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during her periods of possession, MORGAN MYERS, as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

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3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his periods of possession, CHARLES MYERS, as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in

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relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

IT IS ORDERED that CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

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Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which MORGAN MYERS has enrolled the children.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, and counties contiguous to Tarrant County, Texas, and the parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner:

- a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient:

MORGAN MYERS

morganm202@gmail.com

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TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

CHARLES MYERS

chuckdustic12@gmail.com

and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application.

IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

Possession and Access

IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole.

1. Standard Possession Order

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of

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mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) When Parents Reside 50 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides 50 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered

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years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no

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earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding

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Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.

7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 50 Miles but 100 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on

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a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.



2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

(e) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 100 miles from the residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends - Unless CHARLES MYERS elects the alternative period of weekend possession described in the next paragraph, CHARLES MYERS shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, CHARLES MYERS shall have the right to possession of the child not more than one weekend per month of CHARLES MYERS's choice beginning at 6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. CHARLES MYERS may elect an option for this alternative period of weekend possession by giving written notice to MORGAN MYERS within ninety days after the parties begin to reside more than 100 miles apart. If CHARLES MYERS makes this election, CHARLES MYERS shall give MORGAN MYERS

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fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

4. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give

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MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of possession by CHARLES MYERS during CHARLES MYERS's extended summer possession in that year, provided that if a period of possession by CHARLES MYERS in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.

2. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which CHARLES MYERS shall not have possession of the child, provided that the period or periods so designated do not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

(f) Holidays

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, except when CHARLES MYERS resides fifty miles or less from the primary residence of the child, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending

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at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.

7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(g) Undesignated Periods of Possession

MORGAN MYERS shall have the right of possession of the child at all

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other times not specifically designated in this Standard Possession Order for CHARLES MYERS.

(h) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each period of CHARLES MYERS's possession at the residence of MORGAN MYERS.

If a period of possession by CHARLES MYERS begins at the time the child's school is regularly dismissed, MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, CHARLES MYERS shall pick up the child at the residence of MORGAN MYERS at 6:00 P.M., and MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the residence of MORGAN MYERS at 6:00 P.M. under these circumstances.

2. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the residence of CHARLES MYERS at the end of each period of possession.

If a period of possession by CHARLES MYERS ends at the time the child's school resumes, CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of MORGAN MYERS at 6:00 P.M.

3. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS, if the child is in CHARLES MYERS's possession or subject to CHARLES MYERS's control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to return the child to CHARLES MYERS, if CHARLES MYERS is entitled to possession of the child, at the end of each of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with

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the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. Notice to School and MORGAN MYERS - If CHARLES MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, CHARLES MYERS shall immediately notify the school and MORGAN MYERS that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

2. Duration

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Child Support

IT IS ORDERED that CHARLES MYERS pay to MORGAN MYERS for the support of MARA MYERS and CAROLINE MYERS nine hundred seventy-three dollars and nineteen cents (\$973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court.

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Withholding from Earnings

IT IS ORDERED that any employer of CHARLES MYERS shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of CHARLES MYERS for the support of M[REDACTED] M[REDACTED] and C[REDACTED] M[REDACTED].

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CHARLES MYERS by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of CHARLES MYERS, and it is hereby ORDERED that CHARLES MYERS pay the balance due directly as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MORGAN MYERS for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, CHARLES MYERS's name as the name of the noncustodial parent (NCP), and MORGAN MYERS's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that CHARLES MYERS shall notify this Court and MORGAN MYERS by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of CHARLES MYERS and the name and address of his current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MORGAN MYERS, CHARLES MYERS, or an attorney representing MORGAN MYERS or CHARLES MYERS, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each provide additional child support for each child as set out in this order for as long as the Court may order MORGAN MYERS and CHARLES MYERS to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MORGAN MYERS and CHARLES MYERS's actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date.

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IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the total cost of health insurance coverage for all children for which MORGAN MYERS is responsible under a medical support order that does not exceed 9 percent of MORGAN MYERS's annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.

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4. Provision of Health-Care Coverage –

As Petitioner's child support, MORGAN MYERS is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. MORGAN MYERS is ORDERED –

a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children:

- a. MORGAN MYERS' Social Security number;
- b. Proof that health insurance has been provided for the children;
- c. The following information and documents:
 - i. The name of the health insurance carrier;
 - ii. The number of the policy;
 - iii. A copy of the policy;
 - iv. A schedule of benefits;
 - v. A health insurance membership card;
 - vi. Claim forms; and
 - vii. Any other information necessary to submit a claim; and
- d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after MORGAN MYERS receives or is provided with the renewal, change, or additional information;
- e. To notify each conservator of the children of any termination or

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lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse;

- f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MORGAN MYERS of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available;
- g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MORGAN MYERS at a reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if MORGAN MYERS is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of CHARLES MYERS or others authorized by law.

5. Allocation of Unreimbursed Expenses -

The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the

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health-care expense.

For the Court to hold the nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a health-care expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the health-care expense the nonincurring conservator was ordered but fail to pay.

6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section 1169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative.

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No Termination of Orders on Death of Obligee

An obligation to pay child support under this order does not terminate on the death of MORGAN MYERS but continues as an obligation to M[REDACTED] M[REDACTED] and C[REDACTED] M[REDACTED].

Other Child Related Provisions

Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD

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UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings to Parties

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

Property and Parties

The Court finds that the following orders respecting the property and parties are necessary and equitable.

IT IS ORDERED that MORGAN MYERS shall be responsible for the timely payment of the following:

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1. The auto insurance for the vehicle in her possession;
2. the monthly payment for her cell phone;
3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024.

IT IS ORDERED that CHARLES MYERS shall be responsible for the timely payment of the following:

1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
3. the monthly payment for his cell phone;
4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024.

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024.

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024.

Co-Parenting Website

IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2

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by May 1, 2024, and file a certificate of completion with the Court for their attendance to this co-parenting class.

IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class.

App Close

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools.

IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS shall each timely post on the AppClose website a copy of any email received by the party from the

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children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program.

Temporary Injunction

The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; 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.

IT IS ORDERED that Petitioner and Respondent are enjoined 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 coarse 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

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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 and the children of the marriage.

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, and causing pecuniary loss or substantial inconvenience to the other party.

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. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real

APP 1.31



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

14. 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.

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

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 this order.

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.

18. 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 others.

19. Changing or in any manner altering the beneficiary designation on any life

APP 1.32



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

insurance policy on the life of either party or a child of the parties.

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties.

21. Opening or diverting mail or email or any other electronic communication addressed to the other party.

22. 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 parties or the other party without the personal signature of the other party.

23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order.

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to 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.

26. Destroying, disposing of, or altering any email, 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.

27. Modifying, changing, or altering the native format or metadata of any electronic

APP 1.33



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

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

29. 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.

30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

31. Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children.

32. Neither party shall consume alcohol during their period of possession with the children.

33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol.

34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider.

35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children.

36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to



the other party using a profane name or names, profanity or curse words.

37. The parties are not to discuss the litigation or issues with the children.

38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children.

IT IS ORDERED that Petitioner is further enjoined from:

1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent.

IT IS ORDERED that Respondent is further enjoined from:

1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;.

2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner.

IT IS ORDERED that Petitioner is specifically authorized:

To make expenditures 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 the purposes authorized by this order.

IT IS ORDERED that Respondent is specifically authorized:

To make expenditures 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

APP 1.35



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

in connection with this suit.

For purposes of this order, "personal 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, artwork, and collections;
- p. sporting goods and firearms;
- q. jewelry and other personal items;

APP 1.36



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

- r. pets and livestock;
- s. club memberships;
- t. travel award benefits and other award accounts;
- u. crops, farm equipment, construction equipment, tools, leases, cemetery 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 email addresses, social network 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. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;
- x. safe-deposit boxes and their contents;
- y. storage facilities and their contents; and
- z. contingent assets.

Duration

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on March 14, 2024.

Associate 
JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON

APP 1.37



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

2905 Lackland Rd.
FT. WORTH, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

By: _____

Cooper L. Carter
Attorney for Petitioner
State Bar No. 24121530
coopercarter@majadmin.com

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Office Phone: (817)498-4105
Fax: (817)282-0634

By: _____

Daniel Bucalis
Attorney for Respondent
State Bar No. 01487550
Email: dbacalis@dbacalis.com

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

MORGAN MYERS
PETITIONER

CHARLES MYERS
RESPONDENT

APP 1.38



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

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Envelope ID: 85983756

Filing Code Description: No Fee Documents

Filing Description:

Status as of 3/27/2024 7:40 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT

APP 1.39



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

TAB 2

ASSOCIATE JUDGE'S
REPORT

03.14.24

322ND FAMILY DISTRICT COURT
ASSOCIATE JUDGE'S REPORT
FOR TEMPORARY ORDERS

CAUSE NUMBER: 322 - 744263-23

ITMOTMO/INRE/ITIO

Myers

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§
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§
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

1. It is ordered that Movant's motion for to vacate is denied.
2. It is ordered that Movant shall provide Mrs. ^{myers'} ~~Myers~~ attorney with a list of the technology he needs from the marital home, for his business.
3. It is ordered that the parties shall present a the Temporary orders ~~by~~ regarding the ACR ^{signed} ~~filed~~ on 2/11/2024 by 1:30pm today.

Approved as to form

Attorney for Petitioner

Attorney for Respondent

Court Notes that Respondent would not sign his report as to form. He did agree that Paragraphs 1 + 3 correctly reflected the Court's ruling after a hearing.

SO ORDERED: He did not agree the Paragraph 2 accurately reflected the Court's ruling, but provided no alternative language; therefore the Court signed this report.

322nd Associate Judge

3/17/22

Date

Associate Judge

Page ____ of ____

200 East Weatherford Street
Fort Worth, Texas 76196

APP 2.1



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

TAB 3

AGREED ORDER TO
CONSOLIDATE

02.01.24

CAUSE NO. 322-744538-23

IN THE MATTER OF THE
MARRIAGE OF
MORGAN MICHELLE MYERS
AND
CHARLES DUSTIN MYERS
AND
IN THE INTEREST OF
M [REDACTED] E [REDACTED] M [REDACTED] AND
C [REDACTED] R [REDACTED] M [REDACTED],
CHILDREN

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IN THE DISTRICT COURT

322ND JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

CAUSE NO. 322-744263-23

IN THE MATTER OF THE
MARRIAGE OF
MORGAN MICHELLE MYERS
AND
CHARLES DUSTIN MYERS
AND
IN THE INTEREST OF
M [REDACTED] E [REDACTED] M [REDACTED],
C [REDACTED] R [REDACTED] M [REDACTED] AND
M [REDACTED] E [REDACTED] M [REDACTED],
CHILDREN

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IN THE DISTRICT COURT

322ND JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

AGREED ORDER FOR CONSOLIDATION

On January 16, 2024, the Court finds that consolidation of the above causes of action would be in the interest of judicial economy and convenience and that the parties agree to the consolidation. **IT IS ORDERED** that the Motion is **GRANTED**.

IT IS ORDERED that the above causes of action are to be consolidated under cause number 322-744263-23 in the 322ND District Court, TARRANT County, Texas. This is a suit for dissolution of marriage between the parties.



SIGNED on FEBRUARY 1, 2024.

Associate JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Office Phone: (817) 498-4105
Fax: (817) 282-0634

/s/ Daniel R. Bacalis
Daniel R. Bacalis
Attorney for CHARLES DUSTIN MYERS
State Bar No: 01487550
Email: dbacalis@dbacalis.com

Mark Altman & Johnson
2905 Lachland Road
Fort Worth, Texas 76116
Tel: 817-926-6211

Cooper L. Carter
Cooper L. Carter
State Bar No: 04121530
coopercarter@myadmin.com
Attorney for Morgan Myers

APPROVED AS TO FORM AND CONTENT:

M. Myers
MORGAN MICHELLE MYERS
~~Pro Se~~ Petitioner

CHARLES DUSTIN MYERS
Respondent



Automated Certificate of eService

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Envelope ID: 84305097

Filing Code Description: No Fee Documents

Filing Description: AGD AJ REP

Status as of 2/8/2024 3:12 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/8/2024 2:29:20 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/8/2024 2:29:20 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	2/8/2024 2:29:20 PM	SENT

APP 3.3



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

TAB 4

ASSOCIATE JUDGE'S
REPORT

02.01.24

AGREED

ASSOCIATE JUDGE'S REPORT FOR TEMPORARY ORDERS
(Suit Affecting the Parent-Child Relationship, Property and Debts)**DIVORCE WITH CHILDREN**CAUSE NUMBER: 322- 744263-23MORGAN MYERS
AND
CHARLES MYERS§
§
§IN THE DISTRICT COURT
TARRANT COUNTY, TEXAS
322ND JUDICIAL DISTRICT

RESET DATE: _____

1. Appearances:☒ Petitioner/Movant appeared in person and by attorney COOPER CARTER☒ Respondent appeared in person and by attorney DAN BACALIS☐ _____**2. Temporary Conservatorship:**A. ☒ Joint Managing Conservators: Primary Possession to ☒ Mother ☐ Father ☐ Other: _____☒ Mother and Father have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074☐ Other has the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074☐ Mother ☐ Father ☐ Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132 except as follows:The ☒ Mother ☐ Father ☐ Other shall have the exclusive right to establish the residence of the child(ren) and residence of the child(ren) will be Tarrant County or counties contiguous to Tarrant County, TX and/or _____The ☒ Mother ☒ Father ☐ Other are enjoined from removing the child(ren) from Tarrant County or counties contiguous to Tarrant County, TX for the purpose of establishing the residence of the child(ren) and/or _____The right to make educational decisions shall be by the ☒ Mother ☐ Father ☐ Other.

The right to make invasive surgical decisions shall be by mutual consent of the parties and failing to agree by the (☒Mother (☐Father (☐Other. The term "invasive" means elective surgical decisions.

The right to receive child support shall be by the (☒Mother (☐Father (☐Other_____

B. (☐Sole Managing Conservator: (☐Mother (☐Father (☐Other:_____

(☐Possessory Conservator: (☐Mother (☐Father (☐Other:_____

(☐Mother (☐Father (☐Other have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

(☐Mother (☐Father and/or (☐Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132.

(☐Residency Restriction to (☐Tarrant County (☐Tarrant & contiguous counties.

3. **Temporary Possession Schedule:**

(☐Texas Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at 6:00 p.m. except for Thursdays which ends at 8:00 p.m.

(☒Texas "Extended" Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at the time school recesses or begins. Thursdays overnight, during the regular school year.

(☐Other:_____

(☒Mother (☐Father (☐Other shall surrender the child to the other person at the residence of (☒Mother (☐Father (☐Other at the beginning of each period of possession.

(☐Mother (☒Father (☐Other shall surrender the child to the other person at the residence of (☐Mother (☒Father (☐Other at the end of each period of possession.

4. **Temporary Child Support:**

(☐Mother (☒Father shall pay through the Texas State Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791 of \$ 973.19 per month beginning 4-1-2024



Medical Insurance on Child Provided by:
Insurance Cost Paid by:
Uncovered Medical, Dental & Vision Costs:

()Mother ()Father
()Mother ~~()~~Father
~~()~~Equally ()

Mother to apply for
Medicaid

5. Additional Orders: _____

App. for Protective Order is non-suited

6. Temporary Spousal Support: N.A.

()Wife ()Husband shall pay direct to Spouse \$ _____ per _____ beginning _____

7. Temporary Possession of Property:

Husband: 2021 MAZDA3, his personal prop.
& clothing 2023 MAZDA CX-8 (LEASED)

RESPONDENT to vacate home at 6641 ANNE COURT
WATAUGA by MARCH 1, 2024

Wife: 2007 MAZDA, her personal property
& clothing, 6641 ANNE COURT, WATAUGA,



8. Temporary Payment of Debts and Bills:

Husband: His living expenses: CAR PAYMENT, his auto ins
his telephone payment.
LEASE PAYMENT for HOMEStAD for FEBRUARY
& MARCH 2024

Wife: Her living expenses: her auto INSURANCE, her
telephone payment. LEASE payment on HOMEStAD
AFTER March 30, 2024

9. Temporary Injunctions:

☒ Mutual Temporary Injunctions as to Persons pursuant to the Texas Family Practice Manual.

☒ Mutual Temporary Injunctions as to Property pursuant to the Texas Family Practice Manual.

the parties to communicate through App Case

10. MISCELLANEOUS:

☒ The parties are to attend "Children in the Middle" part 1 and/or 2 by 5/1/24 and to file a certificate with the Court. Each to pay for their own costs.

☒ Neither party shall consume, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

Neither party shall consume alcohol at least 12 hours prior to their time for possession of the child(ren).

Neither party shall consume alcohol during their period of possession with the child(ren).

Neither party shall attend one of the child(ren)'s activities if they have consumed alcohol or they are under the influence of alcohol.

Neither party shall leave the child(ren) with a person who is consuming alcohol at least 12 hours prior to taking possession of the child(ren) or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. No disparaging remarks in the presence of the child(ren) and no discussion of litigation or issues of the case with the child(ren).



(X) The parties are not to discuss the litigation or issues with the child(ren) about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to the other party using a profane name or names, profanity or curse words.

The parties are not to discuss the litigation or issues with the child(ren). This paragraph presumes the child(ren) is old enough to communicate with a party. The aforementioned sentence means that neither party shall discuss what occurred in Court including the testimony of any witness or witnesses with the child(ren).

A party is allowed to reasonably offer an age-appropriate statement to discuss the effect of an Order with the child(ren) with a brief statement or sentence. For example, a party is not allowed to show a document to the child(ren) and attempt to comprehensively discuss the case in detail with the child(ren).

A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by DAN BACALIS.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.

AGREED AS TO FORM AND SUBSTANCE

[Signature]
Attorney for Petitioner

[Signature]
Attorney for Respondent

[Signature]
Petitioner

[Signature]
Respondent

SO, ORDERED:

[Signature]
322ND Associate Judge

Date: FEBRUARY 1, 2024



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Envelope ID: 84305097

Filing Code Description: No Fee Documents

Filing Description: AGD AJ REP

Status as of 2/8/2024 3:12 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/8/2024 2:29:20 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/8/2024 2:29:20 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	2/8/2024 2:29:20 PM	SENT

APP 4.6



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

TAB 5

ASSOCIATE JUDGE'S
REPORT

01.22.24

322ND FAMILY DISTRICT COURT

ASSOCIATE JUDGE'S REPORT

CAUSE NUMBER: 322 - 744538-23

FILED
TARRANT COUNTY
1/23/2024 8:14 AM
THOMAS A. WILDER
DISTRICT CLERK

ITMOTMO/INRE

MORGAN MYERS

322-744538-23

§
§
§
§
§

IN THE DISTRICT COURT

AND

TARRANT COUNTY, TEXAS

CHARLES MYERS

322ND JUDICIAL DISTRICT

RESET DATE AND TIME: 2/1/2024 AT 9:00 A.M.

1. Appearances:

☒ Petitioner/Movant appeared in person and by attorney COOPER CARTER

☒ Respondent appeared in person and by attorney DAN BACALIS

☐ _____

2. Issue(s): ☐ Custody ☐ Visitation ☐ Child Support ☐ Health Insurance ☐ CPS

☒ DIVORCE TEMP. ORDERS & APP. FOR P.O.

3. Order(s) or Agreement(s): MOTION FOR CONTINUANCE REQUESTED
by PETITIONER. THE COURT GRANTS CONTINUANCE
AND RESSETS ALL ISSUES FOR 2/1/2024
AT 9:00 A.M.

RESPONDENT, CHARLES MYERS TO HAVE POSSESSION
OF THE CHILDREN FROM FRIDAY, JAN 26, 2024, 6:00 PM - SUNDAY 1/28/24
RESPONDENT TO PICK UP AND DROP OFF CHILDREN AT
AT 6641 ANNE CT, WATAUGA, TX at 6:00 PM

AGREED AS TO FORM AND SUBSTANCE:

[Signature]
Attorney for Petitioner

[Signature]
Petitioner

[Signature]
Attorney for Respondent

[Signature]
Respondent

SO ORDERED:

[Signature]
322nd Associate Judge

1/22/24
Date

APP 5.1



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

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Filing Description:

Status as of 1/24/2024 8:13 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	1/23/2024 8:14:14 AM	SENT
Cooper Carter		COOPERCARTER@MAJADMIN.COM	1/23/2024 8:14:14 AM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	1/23/2024 8:14:14 AM	SENT
Daniel Bacalis		DBACALIS@DBACALIS.COM	1/23/2024 8:14:14 AM	SENT

APP 5.2



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

TAB 6

DISTRICT JUDGE'S
RENDITION

01.16.24

322ND FAMILY DISTRICT COURT

ASSOCIATE JUDGES REPORT

Rendition

FILED
TARRANT COUNTY
1/17/2024 2:28 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NUMBER: 322 - 744538-23

322- 744263-23

ITMOTMO/INRE

Morgan M. MyersvsCharles D. Myers§
§
§
§
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

RESET DATE AND TIME: January 22, 2024 at 9:00 am

1. Appearances:

☒ Petitioner/Movant appeared in person and by attorney Pro Se☒ Respondent appeared in person and by attorney Pro Se☐2. Issue(s): ☐ Custody ☐ Visitation ☐ Child Support ☐ Health Insurance ☐ CPS☐ (Property and Conservatorship)3. Order(s) or Agreement(s): The Wife will remain in the house temporarily. Case is set next Monday, January 22, 2024 at 9:00 am. The husband shall vacate the house by 2:00 p.m. January 16, 2024. Mother to have possession of the children until the time of the hearing. Cause # 322-744538-23 is consolidated into Cause # 322-744263-23. Continuance granted.

AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Attorney for Respondent

Petitioner

Respondent

SO ORDERED:

322nd Associate Judge

Date

APP 6.1

A CERTIFIED COPY
ATTEST: 01/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

TAB 7

TEX. FAM. CODE
§ 85.001(a)

Texas Family Code § 85.001 - Required Findings and Orders

FAMILY CODE

TITLE 4. PROTECTIVE ORDERS AND FAMILY VIOLENCE

SUBTITLE B. PROTECTIVE ORDERS

CHAPTER 85. ISSUANCE OF PROTECTIVE ORDER

SUBCHAPTER A. FINDINGS AND ORDERS

Sec. 85.001. REQUIRED FINDINGS AND ORDERS.

(a) At the close of a hearing on an application for a protective order, the court shall find whether family violence has occurred.

(b) If the court finds that family violence has occurred, the court:

(1) shall render a protective order as provided by Section 85.022 applying only to a person found to have committed family violence; and

(2) may render a protective order as provided by Section 85.021 applying to both parties that is in the best interest of the person protected by the order or member of the family or household of the person protected by the order.

(c) A protective order that requires the first applicant to do or refrain from doing an act under Section 85.022 shall include a finding that the first applicant has committed family violence.

(d) If the court renders a protective order for a period of more than two years, the court must include in the order a finding described by Section 85.025(a-1).

Amendment History

Added by Acts 1997, 75th Leg., ch. 34, Sec. 1, eff. May 5, 1997.

Amended by Acts 2001, 77th Leg., ch. 91, Sec. 6, eff. Sept. 1, 2001.

Amended by:

- Acts 2011, 82nd Leg., R.S., Ch. 627 (S.B. 789), Sec. 1, eff. September 1, 2011.

Texas Family Code § 85.001 - Required Findings and Orders

- Acts 2023, 88th Leg., R.S., Ch. 688 (H.B. 1432), Sec. 3, eff. September 1, 2023.

TAB 8

TEX. FAM. CODE
§ 105.003(b)

Texas Family Code - Section 105.001

FAMILY CODE

TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE
PARENT-CHILD RELATIONSHIP

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 105. SETTINGS, HEARINGS, AND ORDERS

Sec. 105.001. TEMPORARY ORDERS BEFORE FINAL ORDER.

(a) In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order:

- (1) for the temporary conservatorship of the child;
 - (2) for the temporary support of the child;
 - (3) restraining a party from disturbing the peace of the child or another party;
 - (4) prohibiting a person from removing the child beyond a geographical area identified by the court;
- or
- (5) for payment of reasonable attorney's fees and expenses.

(a-1) If the court on its own motion refers to mediation a suit in which an initial hearing regarding the rendition of a temporary order described by Subsection (a) has not yet occurred, the court may not postpone the hearing to a date that is later than the 30th day after the date set for the hearing.

Texas Family Code - Section 105.001

(b) Except as provided by Subsection (c), temporary restraining orders and temporary injunctions under this section shall be granted without the necessity of an affidavit or verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result before notice can be served and a hearing can be held. Except as provided by Subsection (h), an order may not be rendered under Subsection (a)(1), (2), or (5) except after notice and a hearing. A temporary restraining order or temporary injunction granted under this section need not:

- (1) define the injury or state why it is irreparable;
- (2) state why the order was granted without notice; or
- (3) include an order setting the cause for trial on the merits with respect to the ultimate relief requested.

(c) Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be rendered:

- (1) attaching the body of the child;
- (2) taking the child into the possession of the court or of a person designated by the court; or
- (3) excluding a parent from possession of or access to a child.

(d) In a suit, the court may dispense with the necessity of a bond in connection with temporary orders on behalf of the child.

(e) Temporary orders rendered under this section are not subject to interlocutory appeal.

(f) The violation of a temporary restraining order, temporary injunction, or other temporary order rendered under this section is punishable by contempt and the order is subject to and enforceable

Texas Family Code - Section 105.001

under Chapter 157.

(g) The rebuttable presumptions established in favor of the application of the guidelines for a child support order and for the standard possession order under Chapters 153 and 154 apply to temporary orders. The presumptions do not limit the authority of the court to render other temporary orders.

(h) An order under Subsection (a)(1) may be rendered without notice and an adversary hearing if the order is an emergency order sought by a governmental entity under Chapter 262.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1997, 75th Leg., ch. 575, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1390, Sec. 3, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1036, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 509 (H.B. 2671), Sec. 2, eff. September 1, 2023.

TAB 9

TEX. FAM. CODE

§ 153.002

Texas Family Code - FAM § 153.002.

Best Interest of Child

Current as of January 01, 2024 |

Updated by FindLaw Staff

**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.**

TAB 10

TEX R. CIV. P. § 198

Texas Rules of Civil Procedure
Rule 198: Requests for Admissions

RULE 198. REQUESTS FOR ADMISSIONS

198.1 Request for Admissions.

A party may serve on another party-no later than 30 days before the end of the discovery period-written requests that the other party admit the truth of any matter within the scope of discovery, including statements of opinion or of fact or of the application of law to fact, or the genuineness of any documents served with the request or otherwise made available for inspection and copying. Each matter for which an admission is requested must be stated separately.

198.2 Response to Requests for Admissions.

(a) Time for Response.

The responding party must serve a written response on the requesting party within 30 days after service of the request, except that a defendant in a suit governed by the Family Code served with a request before the defendant's answer is due need not respond until 50 days after service of the request.

(b) Content of Response.

Unless the responding party states an objection or asserts a privilege, the responding party must specifically admit or deny the request or explain in detail the reasons that the responding party cannot admit or deny the request. A response must fairly meet the substance of the request. The responding party may qualify an answer, or deny a request in part, only when good faith requires. Lack of information or knowledge is not a proper response unless the responding party states that a reasonable inquiry was made but that the information known or easily obtainable is insufficient to enable the responding party to admit or deny. An assertion that the request presents an issue for trial is not a proper response.

(c) Effect of Failure to Respond.

If a response is not timely served, the request is considered admitted without the necessity of a court order.

TAB 11

TEX R. CIV. P. § 251

Texas Rules of Civil Procedure

Rule 251: Continuance

RULE 251. CONTINUANCE

No application for a continuance shall be heard before the defendant files his defense, nor shall any continuance be granted except for sufficient cause supported by affidavit, or by consent of the parties, or by operation of law.

TAB 12

Tex. Const. Art. 1, § 19

Texas Constitution - Article 1, Section 19

Texas Constitution - Article 1, Section 19

Texas Constitution, Article 1, Section 19:

No citizen of this state shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

TAB 13

U.S. Const. amend. XIV, § 1

U.S. Constitution - Amendment XIV, Section 1

U.S. Constitution - Amendment XIV, Section 1

U.S. Constitution, Amendment XIV, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

CERTIFICATE OF SERVICE

Relator certifies that on April 14, 2025, a true and correct copy of the foregoing RELATOR'S APPENDIX was served on all parties and counsel of record as follows:

Respondent

Hon. Jeff Kaitcer
Associate Judge, 322nd District
Court Tarrant County Family Law
Center 200 E. Weatherford St. 4th
Floor Fort Worth, TX 76196
817-884-1888

Via electronic submission to the court coordinator

Via email: LKBaker@tarrantcountytexas.gov

Real Party In Interest

Morgan Michelle Myers
Real Party in Interest

MORGANMW02@GMAIL.COM

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TEXAS O.A.G.

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: 99608458

Filing Code Description: Affidavit of Indigence (TRAP 20.1(c),(2))

Filing Description: IFP Statement

Status as of 4/14/2025 9:06 AM CST

Case Contacts

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