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EMERGENCY MOTION - There Are Laws/Rights Being Violated

1 message

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To: Daniel Bacalis <dbacalis@dbacalis.com>

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MOTION TO MODIFY TEMPORARY ORDERS

Introduction

Charles Dustin Myers, herein referred to as the Petitioner, respectfully submits this motion to modify the temporary orders issued in this case, concerning the custody of his children and his eviction from his residence.

This motion is filed under the relevant sections of the Texas Family Code, including but not limited to Sections 156.001, 156.006, and 152.205.

Statement of Facts

The Petitioner was served with divorce papers on December 27, 2023, which contained several false claims and allegations from Morgan Michelle Myers, who has abused the legal process, including but not limited to:

1. Falsifying a Statement of Inability to Pay
2. Lying on the divorce petition
3. Lying on the protective order.
4. Trying to have me unlawfully evicted.

Subsequently, on January 16, 2024, without a fair opportunity for the Petitioner to be heard due to inclement weather leading to court closures, Judge Munford presided over the only open court and signed a temporary order removing the Petitioner from his home and granting full temporary custody to Morgan Michelle Myers, herein referred to as the Respondent.

This motion contends that these temporary orders were made without considering the Petitioner's rights to a fair hearing as stipulated in Texas Family Code Section 152.205 and without substantial evidence to justify such drastic measures.

Legal Grounds for Modification

Violation of Right to Be Heard:

The temporary orders were made without providing the Petitioner an adequate opportunity to be heard, in violation of Texas Family Code Section 152.205.b.

Even after acquiring legal counsel, Morgan was granted another continuance after not holding up her end of the agreement.

Best Interest of the Children:

The temporary orders do not serve the best interest of the children, which is the paramount consideration in custody decisions, as per Texas Family Code Section 153.002.c.

Lack of Substantial Change in Circumstances: The orders were issued without any substantial change in circumstances that would warrant such a significant modification in custody, as required under Texas Family Code Section 156.101.

Request for Relief:

Reversal of Temporary Custody and Eviction Orders:

a. The Petitioner respectfully requests the court to reverse the temporary orders regarding his eviction and the full custody granted to the Respondent.

b. Restoration of Previous Custody Arrangement:

The Petitioner seeks the restoration of the custody arrangement that existed prior to the temporary orders, where he maintained a significant role in his children's lives.

c. Expedited Hearing: Given the urgency and significant impact on the Petitioner and his children, an expedited hearing is requested.

Conclusion

The Petitioner respectfully urges the court to consider the detrimental impact of the current temporary orders on the children's well-being and the Petitioner's parental rights.

The Petitioner reaffirms his commitment to the best interest of his children and requests the court to modify the temporary orders to restore the previous custody arrangement and allow him to return to his residence until a fair hearing immediately, and without delay.

Respectfully submitted,

Charles

Dan, this is absurd. I can't let this broken system take advantage of my rights and damage my parent child relationship based on NOTHING and allow Morgan to continuously fail to meet her obligations.

All I've done is diligently prepare. I know my rights. This is a clown show and I'm prepared to take matters into my own hands if nobody else will.

Respectfully,

Charles