

NO. 322-744263-23

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.,

CHILDREN

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IN THE DISTRICT COURT

322<sup>ND</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

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**RESPONDENT'S PROPOSED PARENTING PLAN**


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**TO THE HONORABLE JAMES B. MUNFORD OF THE 322<sup>ND</sup> DISTRICT COURT:**

Respondent, CHARLES DUSTIN MYERS, respectfully submits this proposed parenting plan on behalf of the minor children in this matter, M.E.M., and C.R.M., as ordered. *See* DKT. No. 381.

Based on the undisputed facts of this case, the record, the time elapsed since this litigation began, the lack of any meaningful participation by our friends on the other side, and the allegations to be proven at trial with admissible evidence, the Respondent submits this proposed parenting plan with **the best interests of all parties considered**.

This proposed parenting plan reflects what is in the best interests of the children, is supported by the record, and should be adopted by the Court unless a conflicting parenting plan is submitted by our friends on the other side requiring a hearing on those contested issues.

This proposed parenting plan is submitted in good faith, and sets forth the following regarding the children within this matter that suits their best interests and developmental needs:

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## **I. INTRODUCTION**

1. Morgan Michelle Myers has not demonstrated that she can act in the best interests of the children because her conduct—including making unsubstantiated abuse allegations, obstructing the children’s relationship with their father, and engaging in litigation tactics that undermine stability and truthfulness—contravenes the statutory and judicial standards that define a parent’s ability to serve the children’s welfare. Texas law and case authority require credible evidence and a demonstrated commitment to stability, co-parenting, and honesty, all of which are lacking in her actions as documented in the record.

2. Texas law mandates that the best interests of the child are the primary consideration in all conservatorship and access decisions, emphasizing stability, frequent and continuing contact with both parents, and the avoidance of unnecessary restrictions unless credible evidence of danger exists. The record in this case shows that Morgan Michelle Myers has repeatedly advanced unsubstantiated claims of abuse, failed to provide evidence supporting her allegations, obstructed the children’s relationship with their father, and engaged in procedural misconduct, all of which undermine the statutory presumption favoring shared parenting and stability.

3. The relevant statutes and case law make clear that a parent who leverages false or unsupported allegations, manipulates protective order processes, or otherwise acts to sever the children’s relationship with the other parent without credible justification is not acting in the children’s best interests. Courts have consistently held that such conduct justifies sanctions, restrictions, or even changes in conservatorship, as it is contrary to the public policy and legal standards that prioritize the welfare, stability, and emotional health of the children. Here, Morgan intentionally disrupted the status quo of the children to pursue an affair, which she has prioritized over these very proceedings. The relevant statutes are discussed in detail below.

## II. LEGISLATIVE FRAMEWORK

4. The Texas Family Code establishes that the best interest of the child is the paramount consideration in all matters of conservatorship, possession, and access (Tex. Fam. Code § 153.002). The public policy of Texas is to ensure children have frequent and continuing contact with parents who have shown the ability to act in their best interests, to provide a safe and stable environment, and to encourage shared parental rights and duties after separation (Tex. Fam. Code § 153.001). Any restriction or denial of a parent's access must be no greater than necessary to protect the child's best interest (Tex. Fam. Code § 153.193).

5. When allegations of abuse or family violence are made, the law requires credible evidence to rebut the presumption that standard possession and access serve the child's best interest (Tex. Fam. Code § 153.004). Courts must consider whether a protective order has been rendered and whether there is a history or pattern of abuse, but unsupported or disproven allegations do not justify restrictions.

7. Texas appellate courts have repeatedly emphasized that the best-interest analysis is child-centered and focuses on factors such as the stability of the home, the acts or omissions of each parent, and whether a parent fosters or undermines the child's relationship with the other parent (*In re Marriage of Waters*, 07-25-00057-CV (Tex. App. Nov 18, 2025); *W.G. v. Tex. Dep't of Family & Protective Servs.*; *In re A.I.G.*, 135 S.W.3d 687 (Tex. App. 2003)). The Holley factors, which guide best-interest determinations, include the child's emotional and physical needs, the stability of the home, the parenting abilities of each parent, and the acts or omissions that may indicate an improper parent-child relationship.

7. Courts have condemned conduct that obstructs a child's relationship with the other parent, including making false allegations, interfering with access, and using litigation as a tool

to gain leverage rather than to protect the child (*Marriage of Chandler, Matter of*, 914 S.W.2d 252 (Tex. App. 1996); *Gunther v. Gunther*, 478 S.W.2d 821 (Tex. Ct. App. 1972)). Such conduct is considered legally reprehensible and contrary to the child's best interests.

8. When a parent's allegations are not supported by credible evidence, and especially when they are contradicted by the record or deemed admissions, courts have found that the parent has not demonstrated the ability to act in the child's best interests (*Magro v. Magro*, NO. 01-19-00701-CV (Tex. App. Dec 10, 2020); *Interest of C.S.*, 717 S.W.3d 1). The law also allows courts to infer a parent's likely future conduct from past deliberate conduct, particularly when that conduct has endangered the child's safety or well-being (*In re J.J.H.*, No. 04-18-00738-CV (Tex. App. Feb 06, 2019); *In re G.K.B.*, 04-21-00528-CV (Tex. App. May 04, 2022)).

9. Here, Morgan Michelle Myers' conduct throughout the litigation has been damaging to the overall well-being of the children both emotionally and financially, and the record establishes that she has made no effort to rebut the claims made against her that are tied to specific elements of the Texas Family Code.

10. Indeed, Respondent has been wronged by Petitioner, and the Children have suffered harm because of her actions – however, the Respondent understands and is well aware that despite these actions, he still must proceed in a manner that is best suited for his Children, which is to have their mother in their life despite her egregious actions and misrepresentations made to this Court. Respondent is confident that this Court will adopt this parenting plan, and effectuate the long-needed recovery period that is long overdue in this case. We now turn to Petitioner's conduct.

11. By adopting this parenting plan, the status quo will be restored to the last peaceful time prior to Morgan's intentional misrepresentations to this Court.

### **III. PETITIONER'S CONDUCT**

#### **A. Unsubstantiated Allegations and Lack of Credible Evidence**

9. The record indicates that Morgan Michelle Myers has repeatedly made allegations of child abuse, neglect, and family violence without providing new sworn evidence or addressing the contrary proof in the mandamus record. Texas law requires that any restriction or denial of a parent's access be supported by credible evidence, not speculation or disproven claims (Tex. Fam. Code § 153.004). The absence of a protective order or any finding of family violence, combined with the nonsuit of the protective-order proceeding, means there is no legal or factual basis for denying or severely restricting the father's access.

10. The Texas Supreme Court has held that advancing unsubstantiated or disproven allegations, especially when used to justify emergency relief or to gain leverage in custody disputes, is contrary to the best-interest standard and may warrant sanctions (*Low v. Henry*, 221 S.W.3d 609 (Tex. 2007)). The persistence in making such allegations, despite their refutation in the record and the lack of any credible evidence, demonstrates a disregard for the truth and the children's need for stability and a relationship with both parents.

#### **B. Obstruction of the Parent-Child Relationship**

11. Texas public policy and case law strongly favor frequent and continuing contact between children and both parents who are fit and able to act in the children's best interests (Tex. Fam. Code § 153.001; *In re J.R.D.*, 169 S.W.3d 740 (Tex. 2005)). Conduct that obstructs this relationship—such as blocking communication, denying access, or making false allegations to justify exclusion—has been repeatedly condemned by Texas courts as contrary to the child's welfare (*Marriage of Chandler*, *Matter of*, 914 S.W.2d 252 (Tex. App. 1996); *Gunther v. Gunther*, 478 S.W.2d 821 (Tex. Ct. App. 1972)).

12. The record shows that Morgan's actions resulted in the father's removal from the home and a significant restriction of his contact with the children, not based on any adjudicated finding of danger but on unsupported claims. This pattern of conduct is precisely the type of behavior Texas courts have found to be legally reprehensible and inconsistent with the best interests of the child.

### **C. Instability and Manipulation of Legal Processes**

13. Stability and permanence are paramount considerations in the best-interest analysis (*In re G.K.B.*, 04-21-00528-CV (Tex. App. May 04, 2022)). The use of litigation tactics—such as filing serial amended petitions with escalating allegations, failing to respond to discovery, and ignoring deemed admissions—undermines the stability of the children's environment and the integrity of the judicial process. Courts have recognized that such conduct, especially when it results in the unjustified removal of a parent or the disruption of the children's home and financial security, is contrary to the children's best interests (*In re Marriage of Waters*, 07-25-00057-CV (Tex. App. Nov 18, 2025); *Van Heerden v. Van Heerden*, 321 S.W.3d 869 (Tex. App. 2010)).

14. Moreover, the failure to address or rebut specific allegations of financial misconduct, fraud, and civil conspiracy, as well as the refusal to clarify the authority of counsel, further demonstrates a lack of commitment to transparency and the children's welfare.

### **D. Failure to Foster Co-Parenting and Shared Parental Duties**

15. The Texas Family Code encourages parents to share in the rights and duties of raising their children after separation (Tex. Fam. Code § 153.001). The record reflects that Morgan has not only failed to foster the children's relationship with their father but has actively worked to sever it, including by introducing a new partner and attempting to install a replacement father figure. Such conduct is inconsistent with the statutory mandate and the Holley factors, which



prioritize the child's need for a stable, loving relationship with both parents (*In re A.I.G.*, 135 S.W.3d 687 (Tex. App. 2003)).

#### **E. Legal and Procedural Violations**

16. The procedural record shows that Morgan's pleadings are not only substantively deficient but also procedurally improper. The failure to respond to requests for admission results in those matters being deemed admitted, including the absence of family violence and the occurrence of financial misconduct (Tex. R. Civ. P. 198.2(c)). The use of undisclosed evidence or witnesses is barred by Rule 193.6, and the lack of authority of counsel further undermines the legitimacy of her pleadings (Tex. R. Civ. P. 193.6). These violations reinforce the conclusion that Morgan has not acted in the children's best interests, as she has failed to comply with the basic requirements of honesty, transparency, and procedural fairness.

#### **IV. CONCLUSION – PETITIONER'S CONDUCT**

17. In sum, Morgan Michelle Myers has not demonstrated that she can act in the best interests of the children under Texas law. Her conduct—characterized by unsubstantiated and disproven allegations, obstruction of the children's relationship with their father, manipulation of legal processes, and disregard for stability and co-parenting—contravenes the statutory mandates and judicial standards that define a parent's ability to serve the children's welfare. Texas courts have consistently held that such behavior justifies sanctions, restrictions, or changes in conservatorship, as it is fundamentally inconsistent with the best interests of the child. The record supports the conclusion that Morgan's actions have been motivated by personal or tactical advantage rather than a genuine concern for the children's safety or well-being, and thus she has not met the legal standard required to demonstrate that she can act in their best interests.

18. The forthcoming parenting plan serves the best interests of the children, aims to seek restoration rather than division, and provides a comprehensive framework that will ensure the children remain in their stable, nurturing environment that they have known their entire lives up until Morgan's deliberate actions disrupted it.

19. Respondent's parenting plan considers each parent, relatives, their needs, and provides for an amicable resolution that puts the focus of this matter back where the Texas Family Code mandates: the best interests of the children.

## **V. THE TRUE STATUS QUO**

### **A. Family Dynamics**

20. Prior to Morgan's intentional lies at the onset of this case, M.E.M. and C.R.M. enjoyed an environment where both parents were a daily presence in their lives. Due to Respondent's at-home work status, this enabled him to be involved in every aspect of their lives. For example, Respondent would get them ready for school, walk them to school, visit them for lunch, pick them up from school, help with homework, ensure they made it to their extracurricular activities, cooked meals, gave them baths, and read them bedtime stories each night, as the countless images and videos would show if presented to this Court.

21. Furthermore, the matrimonial residence resides directly next-door to Morgan's grandparents, who have not participated in these proceedings and are victims themselves of Morgan's lies. Text messages and other correspondence would show that, in fact, the Respondent and the grandparents were able to have amicable discussions regarding the Children during the litigation.

22. Finally, the Children's Aunt, Caitlin Wilson, resided in the backyard between 2015 and 2025, but had no direct involvement with the Children regarding daily care throughout the marriage.

23. Regarding finances, and contrary to Morgan's sworn affidavit of indigency, the Respondent was the primary breadwinner and relied on the matrimonial residence to support his family due to the need for a specific internet connection and an environment that cannot be replicated elsewhere on short notice. Morgan was aware of this necessity, as the internet within the home had just been upgraded prior to these proceedings to meet Respondent's growing business demands. This parenting plan also aims to restore the children's financial future.

#### **B. Application of Law to the Described Environment**

24. The Children's true environment described above—where both parents were daily, hands-on caregivers, the Respondent worked from home and was deeply involved in every aspect of the children's lives, the home was adjacent to supportive grandparents, and the family's financial stability was tied to the residence—exemplifies the type of arrangement the Texas Family Code seeks to protect and restore.

#### **C. Frequent and Continuing Contact with Both Parents**

25. The Family Code's public policy, as set out in § 153.001 and reinforced by § 153.251, is to ensure that children have frequent and continuing contact with both parents who are able to act in their best interest. The described status quo, where the Respondent was present for school routines, meals, extracurricular activities, and bedtime, and where both parents were daily presences, directly fulfills this policy. The law does not require equal division of time, but it does require that both parents have meaningful, ongoing involvement in the child's life, as confirmed in *Stillwell v. Stillwell* and *In re J.R.D.*, 169 S.W.3d 740 (Tex. 2005).

#### **D. Stability, Continuity, and Minimizing Disruption**

26. Family Code §§ 153.134 and 153.133 require courts to minimize disruption to the child's education, daily routine, and social associations. The described environment—where the children's routines, schooling, and social connections are maintained, and where the Respondent's work-from-home status ensures ongoing stability—aligns with this statutory mandate. The proximity to grandparents and the absence of disruption from the aunt's presence further support the stability and continuity of the children's environment.

#### **E. Supportive Extended Family**

27. Section 263.307 lists the availability of an extended family support system as a factor in determining the best interest of the child. The fact that the children's grandparents live next door and have maintained amicable relations with the Respondent, as evidenced by text messages and correspondence, provides a strong support network for the children. This is precisely the type of social support the law encourages, as it enhances the children's sense of security and belonging.

#### **F. Parental Rights and Duties**

28. Section 151.001 outlines the rights and duties of parents, including the duty to provide care, control, protection, support, and education. The Respondent's daily involvement in the children's lives—getting them ready for school, helping with homework, ensuring participation in extracurricular activities, and providing meals and bedtime care—demonstrates the exercise of these statutory duties. The financial reliance on the home, including the need for a specific internet connection to support the Respondent's work and the family's financial stability, further aligns with the duty to provide for the children's needs.

### **G. Presumption of Joint Managing Conservatorship**

29. Section 153.131 creates a rebuttable presumption that appointing both parents as joint managing conservators is in the child's best interest, absent evidence of significant impairment or family violence. The described environment, with both parents actively involved and no indication of harm or violence, supports the application of this presumption. The courts have consistently upheld this principle, as seen in major cases such as *Kom v. Kom* and *In re C.J.C.*

### **H. Minimal Restriction on Parental Access**

30. Section 153.193 mandates that any restriction on a parent's possession or access must be the minimum necessary to protect the child's best interest. The described status quo, where the Respondent's access is unrestricted and both parents are daily presences, is consistent with this requirement. Courts have held that broad or punitive restrictions are disfavored unless there is clear evidence of harm.

### **I. Best Interest Factors and Holley Analysis**

31. The "Holley factors," as established in *Holley v. Adams* and codified by statute, provide a framework for assessing the best interest of the child. These factors include the child's emotional and physical needs, the stability of the home, the parental abilities of the caregivers, and the plans for the child. The described environment—daily parental involvement, stable home, supportive extended family, and financial security—addresses each of these factors favorably.

### **J. Financial Stability and Support**

32. Section 151.001 also imposes a duty on parents to support their children, including providing for their education and general welfare. The Respondent's role as the primary breadwinner, reliance on the home for work, and recent upgrades to the home's internet infrastructure to meet business demands all contribute to the children's financial stability and

future. The law recognizes the importance of a stable, supportive environment for the child's development.

#### **K. Synthesis**

33. Taken together, the legislative provisions and case law create a coherent legal framework that prioritizes the child's best interest through frequent, continuing contact with both parents, stability in the child's environment, and the support of extended family. The described status quo—where both parents are daily, hands-on caregivers, the home is stable and tailored to the children's needs, and the family's financial future is secure—embodies the very environment the Family Code seeks to protect and restore.

#### **L. Caveats**

34. While the law strongly favors the described environment, there are exceptions. The presumption of joint managing conservatorship and frequent contact with both parents can be rebutted if there is evidence that such an arrangement would significantly impair the child's physical health or emotional development, or if there is a history of family violence. In such cases, the court may impose restrictions or allocate rights and duties differently to protect the child's best interest. Here, the current arrangement manufactured by Morgan fits this exception.

### **VI. THE MANUFACTURED STATUS QUO**

35. Today, the Children are not raised by their mother or their father but are now cared for by a variety of individuals who previously had no such role in the Children's lives. For example, after gaining sole use of the residency, the Mother began to effectively erase the Respondent from the household. She boxed up all of his belongings, began introducing her extramarital partner into the children's daily lives. Indeed, these allegations are un rebutted in the record.

36. They now go long periods of time without any communication with their Paternal side of the family, because Mother has put forth no meaningful effort to maintain the Children's relationship with Father. Mother claims these attempts to communicate and discuss medical needs for the Children are harassment, and seeks to deny his access to the Children outright with newfound claims of child abuse.

37. The children have regressed in their schooling, the youngest child suffered a major medical incident in March of 2025 because of Mother's failure to provide the necessary medical care to the children, and the only communication with the children occurs between cellular phones acquired by Mother's grandparents, further showing their willingness to promote some form of relationship during this time.

38. Rather than enjoy a stable environment, they have had chaos introduced into their lives, and the centerpiece of stability was abruptly removed by a parent with an alternative motive rather than the best interests of her children.

39. Their financial future, once secure and promising, has now been significantly damaged due to Mother's intentional conduct, resulting in significant financial losses that directly impact the well-being of the children now and in the future.

40. The children have lost their Father, their great grandparents have been thrust into a parenting role, and their Aunt and Mother's extramarital partner now are involved in the children's lives frequently, a stark contrast to their true status quo and this States public policy.

41. This parenting plan seeks to restore stability to the children's lives, restore the Respondents rights and access to his home so that he may plan accordingly for the future in accordance with the children's best interests, and provide the most efficient path forward that focuses on both recovery and sustainability for all parties, including Mother.

## VII. RESTORATION OF THE TRUE STATUS QUO

### A. The Simple Fact of this Case

42. At its core, this case is simple. Petitioner made a mistake and then lied to avoid accountability. Those lies—that an active protective order with a finding of family violence in the marriage already existed, that family violence had in fact occurred, and that she was financially indigent—are the very claims she failed to support with competent evidence in the summary judgment proceedings. Yet those same false assertions are what originally awarded her exclusive possession of the children and the home. The current record strips away that narrative and leaves no lawful basis to continue excluding Respondent from his children or their residence, and Mother should not enjoy these benefits designed for families in true emergency situations.

43. The current, litigation-driven arrangement has introduced instability, disrupted the children's routines, and replaced parental care with a patchwork of previously uninvolved adults. The record, as described, contains no credible evidence of family violence or significant impairment that justifies the ongoing exclusion of Respondent from the residence or the children's daily lives. Such evidence doesn't exist, because Respondent has never hit anyone. The absence of a protective order, the lack of substantiated findings of danger, and the procedural deficiencies in the opposing party's case—culminating in Petitioner's failure at summary judgment to prove the very allegations she used to secure exclusive possession—all reinforce the statutory presumption in favor of restoring Respondent's access and the prior stable environment. Respondent's presence in the home poses no danger to anyone and simply restores the lawful status quo that existed before Petitioner's misrepresentations.

44. Texas law is clear that restrictions on a parent's access must be narrowly tailored and supported by credible evidence (Tex. Fam. Code § 153.193; *Fish v. Lebrrie* (Tex. App. Dec. 10,



2010)). Courts repeatedly reverse or modify orders that impose broad or blanket restrictions without such evidence, emphasizing that the best interest of the child is not served by unnecessary disruption or by depriving children of meaningful contact with a fit parent (*In re R.P.* (Tex. App. Feb. 28, 2024); *Stillwell v. Stillwell*, No. 03-17-00457-CV (Tex. App. Oct. 17, 2018)). Where, as here, the restrictions flow from unproven allegations and strategic misrepresentations that later collapse under scrutiny, continuation of those restrictions contradicts both statute and precedent.

45. The Holley factors, which remain authoritative despite being codified by statute, further support restoration of the status quo. The children’s emotional and physical needs, the stability of the home, the parental abilities of Respondent, and the plans for the children all weigh in favor of returning to the prior arrangement (*Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976), codified by *Corrales v. Department of Family and Protective Services*, 155 S.W.3d 478 (Tex. App. 2004)). The evidence of academic regression, medical neglect, and emotional harm under the current arrangement—an arrangement built on Petitioner’s unproven accusations—underscores the urgent need for corrective action and for reinstating the parent whose presence historically supported the children’s stability and progress.

46. Moreover, the proximity of the holidays amplifies the importance of stability, family connection, and the opportunity for the children to experience the comfort and joy of their established home and routines. Texas courts recognize the significance of minimizing disruption and preserving continuity, especially during meaningful family occasions (Tex. Fam. Code § 153.134; *Bates v. Tesar*, 81 S.W.3d 411 (Tex. App. 2002)). In a case where the alleged justification for disruption has now been exposed as unsupported, the equities and the law converge in favor of prompt restoration.

## **B. Why Respondent Should Be Restored to the Residence**

Restoring Respondent to the residence and the pre-litigation status quo not only aligns with Texas law, it follows directly from the facts of this case. The Texas Family Code and controlling case law establish that:

### **i. Best Interest and Stability.**

The children's best interests are served by returning them to a stable, familiar environment with daily involvement from both parents and supportive extended family (Tex. Fam. Code § 153.002; *W.G. v. Tex. Dep't of Family & Protective Servs.* (Tex. App. Jul. 7, 2023)). Here, Respondent's presence historically provided that stability; it is Petitioner's unproven allegations and the resulting litigation-driven arrangement that introduced instability.

### **ii. Presumption of Joint Managing Conservatorship.**

There is a strong presumption that both parents serve as joint managing conservators and that restrictions arise only from credible evidence of danger or significant impairment (Tex. Fam. Code § 153.131; *Kom v. Kom* (Tex. App. Apr. 8, 2025)). Petitioner's claims of family violence and indigency—assertions used to displace Respondent from the home—are the same claims she failed to substantiate in the summary judgment record, leaving the presumption intact and undisplaced.

### **iii. Minimal Restriction on Access.**

Any restriction on Respondent's access must be no greater than necessary, and the current broad exclusion lacks support in the competent evidence (Tex. Fam. Code § 153.193; *Fish v. Lebrrie* (Tex. App. Dec. 10, 2010)). Once Petitioner's allegations fall away for lack

of proof, no lawful basis remains for the extraordinary remedy of ongoing exclusion from the residence and the children's daily lives.

**iv. Correction of Unjustified Interference.**

Courts condemn and correct conduct that unjustifiably interferes with a child's relationship with a parent, especially where motivated by personal or tactical advantage rather than genuine concern for the child's welfare (*Marriage of Chandler, Matter of*, 914 S.W.2d 252 (Tex. App. 1996)). Petitioner's initial misrepresentations and her later failure to verify them at summary judgment show precisely this type of unjustified interference: a tactical use of false claims to gain the home and children, without the evidentiary support the law requires.

**v. Material and Substantial Change.**

The documented instability, academic and medical regression, and introduction of new caregivers constitute a material and substantial change in circumstances, justifying modification to restore the prior arrangement (Tex. Fam. Code § 156.101; *Jenkins v. Jenkins*, 16 S.W.3d 473 (Tex. App. 2000)). The "change" in this case arises directly from Petitioner's unproven narrative. Once that narrative fails, the law points back to the last stable, functioning arrangement—the pre-litigation status quo with Respondent in the residence.

47. The law does not support ongoing, broad restrictions in the absence of proven danger. The facts here show that the children's best interests are served by restoring the status quo ante, returning Respondent to the residence, and reestablishing the children's routines, stability, and family connections. Respondent's presence in the home poses no danger to anyone; it simply

corrects the consequences of Petitioner's initial misrepresentations and realigns the orders with the actual evidence.

### **C. The Importance of Timely Restoration**

48. Secondary materials and psychological research further highlight the urgency of prompt restoration. Delays in correcting unjustified interference with the parent-child relationship can lead to entrenched resistance and long-term harm to the children's emotional development (Parental Interference (2021-04-12)). Early, decisive court action prevents further deterioration and maximizes the chances of successful reunification and recovery. In this case, where the foundational allegations lack evidentiary support, ongoing delay only deepens harm that serves no legitimate protective purpose.

49. With the holiday season approaching, the opportunity to restore the children's sense of security, belonging, and joy becomes especially compelling. The law's emphasis on stability, continuity, and frequent, meaningful contact with both parents is never more salient than during times of family significance—particularly where the current disruption stems from accusations that do not survive scrutiny.

50. Below is the recovery plan that will re-establish the Children's status quo and preserve their well being during this process.

## **VIII. THE RECOVERY PLAN**

### **A. Residency**

51. Respondent will reside at 6641 Anne Court, Watauga, Texas 76148 with the Children. Mother may choose between cohabitation or alternative residency. The children's interests are best served with both parents in the home, as no violence or conditions exist or have ever existed that would require one parent to leave the home. If the Petitioner decides co-habitation is not an

option for her, she has several other housing options available to her, including next-door and several properties owned by her Grandparents. Respondent does not have this luxury, and relies on the home to provide for his children and care for them.

52. The Children are to remain in the home they have been in their entire lives, which remains at 6641 Anne Court, Watauga, Texas 76148.

### **B. Daily Care**

53. Respondent is available twenty-four hours a day, seven days per week to care for the Children given his hybrid work from home / parent from home status. Based on reasonable belief, Mother has acquired a full time job where she works outside of the home at least four days per week.

54. Therefore, while Mother is at work, Respondent can care for the Children so that they remain in the care of one of their parents for the majority of time rather than being cared for by their relatives, who can return to their normal role in the Children's lives.

55. Respondent can get the Children ready for school in the mornings, walk them to school, visit them for lunch, take them home from school, help with homework, provide hygienic needs, provide transportation to any extracurricular activities, schedule and maintain medical care, schedule visits with the nearby extended family, and will foster a relationship with Mother.

56. Mother can be with the Children while not at work and on her days off, thus providing the Children with the frequent access to both parents that they have been without for nearly two years.

### **C. Relationships**

57. All parties are to treat each other with respect, and should not effectuate any actions that would interfere with the best interests of the children. Neither party should introduce or

otherwise expose the Children to any extramarital relationship until after the divorce is finalized to preserve their emotional stability.

#### **D. Weekly Reports**

58. Both Mother and Respondent should be required to file a weekly status update with the Court and served upon each other to ensure that the recovery period remains in alignment with the best interests of the children. The report should include:

- i. The children's health;
- ii. The children's performance in school;
- iii. The days and times spent with the children;
- iv. Any third parties who cared for the children;
- v. Any concerns about the Children.

This will keep the Court as well as the parties informed of the recovery process.

### **IX. CONCLUSION**

59. Respondent's proposed parenting plan rests firmly on Texas statutory law and controlling appellate authority. The best interests of the children, the presumption favoring joint managing conservatorship, the requirement of minimal restriction on access, and the paramount importance of stability and continuity all point in the same direction: restoration of Respondent to the residence and reestablishment of the children's prior environment.

60. This case reduces to a straightforward proposition. Petitioner made a mistake, then attempted to shield herself from accountability by advancing false claims of an existing protective order, family violence, and financial indigency. She then failed, in summary judgment proceedings, to prove those same claims. Those misrepresentations temporarily gave her the

children and the home, but they do not survive the scrutiny of the record or the standards of Texas law.

61. In the absence of credible evidence justifying ongoing restrictions, and in light of the documented harm under the current arrangement, the children's best interests and the governing legal framework both support Respondent's restoration. The Court should adopt Respondent's plan, return him to the residence, and give the children what the law and the evidence already support: the stability, family connection, and hope that come from a safe, loving parent restored to his rightful place in their daily lives.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
6641 Anne Court  
Watauga, Texas 76148  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
817-546-3693

#### **CERTIFICATE OF SERVICE**

Pursuant to § 21a of the Texas Rules of Civil Procedure, a true and accurate copy of this Proposed parenting plan has been served on all parties of record on this 9<sup>th</sup> day of December, 2025, through the electronic filing manager.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
6641 Anne Court  
Watauga, Texas 76148  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
817-546-3693

### **Automated Certificate of eService**

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Status as of 12/9/2025 2:02 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	12/9/2025 11:51:38 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	12/9/2025 11:51:38 AM	SENT
HOLLY HAYES		csd-legal-914@texasattorneygeneral.gov	12/9/2025 11:51:38 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	12/9/2025 11:51:38 AM	SENT