

# Question

1 NO. 25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 233rd Judicial District Court, Tarrant County Cause No. 233-765358-25 On Mandamus Review from Cause No. 02-25-00164-CV in the Second District Court of Appeals, Fort Worth, Texas Hon. Kate Stone Presiding PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 FILED 25-0367 5/2/2025 12:02 PM tex-100376468 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers chuckdustin12@gmail.com Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Respondent Hon. Kate Stone Associate Judge 233rd District Court, Tarrant County, Texas adwierzbicki@tarrantcountytexas.gov Tel.: 817-884-1197 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter cooper.carter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; 3 TABLE OF CONTENTS Identity of Parties and  
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9,16 6 Statement of the Case Nature of Underlying Proceeding: This original SAPCR was initiated to escape a dormant divorce suit to obtain emergency relief for the children named in this matter on March 19, 2025. There is a closely related case before this court (25- 0361) that spells out the series of events leading up to the facts supporting this Mandamus petition. The Second Court of Appeals denied mandamus relief on April 11, 2025, and denied En Banc Reconsideration on May 1, 2025. This Mandamus followed. Respondent Judge: The Respondent Judge, Honorable Kate Stone, is the presiding Associate Judge of the 233rd District Court of Tarrant County, Texas. Her office is located at Family Law Center 200 E. Weatherford St. 5th Floor, Fort Worth, TX 76196-0230.	
Respondent's Challenged Inaction: On March 28,2025, the Respondent refused to hear the Relator's properly filed emergency TRO and turned him away from the courtroom. Three weeks later, the emergency materialized, resulting in a dental emergency sustained by the youngest child named in this matter. 7 Statement of Jurisdiction STATEMENT OF JURISDICTION This Honorable Court has jurisdiction to consider this original proceeding for writ of mandamus. Tex. Const. art. V, § 3(a); Tex. Gov't Code § 22.002.	
8 Issues Presented Issue No. 1: Did the Respondent Judge clearly abuse her discretion by refusing to hear or rule upon Relator's properly filed emergency motion, thereby failing to perform a ministerial duty and leaving the Relator without an adequate appellate remedy? Issue No. 2: Does the pattern of judicial inaction in this case, including the appellate court's unexplained denial of relief, warrant intervention by this Court to uphold due process, protect fundamental parental rights, and maintain public confidence in the judiciary?	
9 PRIOR STATEMENT OF FACTS INCORPORATED Relator incorporates the statement of facts, mandamus record, and appendix filed in the Petition for Writ of Mandamus (02-25-00164-CV) which was denied per curiam on April 11, 2025, and again on May 1, 2025, by the Second Court of Appeals.	
STATEMENT OF FACTS There is a broader systemic issue facing the Texas judiciary that warrants this Court's careful attention. In 2020, an analysis by the Texas Home School Coalition reviewed all Texas appellate cases involving parental-presumption challenges (post-Troxel v. Granville) and found courts "failed to protect parents' constitutional rights more than 78% of the time" in certain contested suits.	
1 That report warned of a "systematic trampling" of parental rights. In practical terms, family courts have been accused of issuing temporary orders that strip parents of custody or visitation rights without the evidentiary safeguards or signed findings usually mandated by statute (e.g. without findings on endangerment or notice of rights). Such patterns of perceived overreach erode trust: if parents feel judges routinely ignore law and deny due process, confidence in "fairness" drops. In late	

2023 this Court agreed to review Stary v. Ethridge, a case where a mother received a lifetime protective order barring contact with her children, even though her parental rights had not been terminated. The Stary case highlights dueprocess concerns: critics note that standard protective-order proceedings use a lower evidentiary standard (preponderance) and do not include termination-like warnings or appointed counsel. In Stary, what began as a temporary ex-parte order became a permanent ban without a termination hearing. The appeal argues this is effectively a hidden termination of parental rights without the stringent safeguards (clear-andconvincing evidence, written findings) normally required. Such high-profile instances—where a parent loses access permanently, yet no termination suit is ever filed—raise alarm among family law observers and fuel public anxiety that courts may be misusing protective orders to sidestep due process. Texas has enjoyed above-50% confidence in courts for decades (52% in 1998, 60% in 2018) However, recent signals point downward. National polls (Gallup, NCSC) and Texas legislative testimony suggest current trust/satisfaction is significantly lower - in the mid-40s to 50s percentage range. 2 High-profile cases (like Stary) and media reports (e.g. the ACLU's Jackson case) highlight these problems, reinforcing the perception that Texas family courts sometimes act without accountability. In this case, the problem rests with the judiciary itself. The important question here is whether this Court will act and address the issues presented below.

2 HOUSE COMMITTEE ON JUDICIARY AND CIVIL JURISPRUDENCE JANUARY 2025 11 INTRODUCTION Justice dies in silence. For fourteen months, this father has shouted into judicial chambers only to receive echoes of inaction and per curiam denials devoid of explanation. This is no ordinary dispute—it is a test of judicial integrity. When a trial court abdicates its duty and appellate courts hide behind unexplained refusals to intervene, the system itself fractures. The issues presented go beyond the merits of a single mandamus petition. The record speaks loudly and clearly for itself. But the deeper wound here is systemic: a court system that permits fundamental rights—parental rights at the core of our constitutional values—to be stripped without notice, hearing, or statutory findings, undermines the rule of law itself. See 25-0361. The silence of these courts does more than compound procedural errors. It emboldens litigants who exploit judicial complacency, incentivizes deceitful pleadings, and breeds public distrust. Worse, it leaves vulnerable children trapped in uncertainty, becoming collateral damage in a legal system that has lost sight of its purpose. This case demands attention—not merely for the rights of one father, but for the legitimacy and accountability of Texas courts as protectors of the most sacred relationships and freedoms we possess. The refusal to act by the courts below have resulted in a direct injury to the child which could have been prevented.

12 ARGUMENT A. STANDARD OF REVIEW Mandamus is an extraordinary remedy, reserved for situations where a trial court clearly abuses its discretion and no adequate remedy by appeal exists. In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004). A core principle underpinning mandamus relief is the obligation of a trial court to act on matters properly brought before it. When a motion, such as Relator's emergency request for a Temporary Restraining Order (TRO), has been properly filed and presented to the trial court, the act of considering and ruling upon that motion is not

discretionary; it is ministerial in nature. See *In re Layton*, 257 S.W.3d 794, 795 (Tex. App.—Amarillo 2008, orig. proceeding) (“When a motion is properly filed and pending before a trial court, the act of considering and ruling upon that motion is a ministerial duty.”). Mandamus is the appropriate mechanism to compel a trial court to fulfill this fundamental duty. *Id.* Furthermore, fundamental due process, enshrined in both the U.S. and Texas Constitutions, demands that parties be afforded a meaningful opportunity to be heard before a court grants or denies relief, particularly when fundamental rights like parenting are implicated. *Creel v. District Atty. for Medina County*, 818 S.W.2d 45, 46 (Tex. 1991). In this case, the record demonstrates that Relator properly filed and attempted to present an emergency TRO concerning the safety and welfare of his child. The Respondent Judge, however, refused even to hear the matter, turning the Relator away from the courtroom on March 28, 2025. This outright refusal to consider a properly filed emergency motion constitutes a failure to perform a clear ministerial duty. As established in *Layton*, such inaction warrants mandamus relief. The subsequent denial of mandamus by the Second Court of Appeals, without explanation, effectively endorses this dereliction of duty, leaving Relator with no adequate remedy by appeal for the trial court's refusal to act on an urgent matter directly impacting child safety.

**B. JUDICIAL INACTION VIOLATES DUE PROCESS AND FUNDAMENTAL PARENTAL RIGHTS, RESULTING IN PREVENTABLE HARM**

The Due Process Clause of the Fourteenth Amendment forbids any State from depriving a person of life, liberty, or property without due process of law. U.S. CONST. amend. XIV, § 1. This guarantee encompasses both procedural fairness and substantive protections against governmental infringement upon fundamental liberty interests. *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). Among the most fundamental liberty interests recognized by the Supreme Court is the right of parents to direct the upbringing and care of their children. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Texas law echoes these protections, mandating that the best interest of the child is the primary consideration in custody matters (Tex. Fam. Code § 153.002) and requiring procedural safeguards before parental rights are restricted. 14 Here, the Respondent Judge's refusal to hear Relator's emergency TRO on March 28, 2025, represents a profound violation of these constitutional and statutory mandates. By turning Relator away and failing even to schedule a hearing on his properly filed motion alleging imminent risk to his child, the court denied him the basic procedural due process required under *Creel*. This was not a mere delay; it was a complete denial of the opportunity to be heard on an emergency matter specifically provided for under the Texas Family Code (See Tex. Fam. Code § 105.001, authorizing temporary orders for child safety). While Texas law allows for ex parte TROs under certain urgent circumstances, it simultaneously requires that a hearing be set promptly, typically within 14 days (See TRCP 680), to ensure due process is ultimately satisfied. The Respondent's refusal to even consider the TRO application flouted these principles entirely. This inaction occurred despite Relator presenting a justiciable emergency concerning his child's welfare. The court's refusal stands in stark contrast to its apparent swiftness in acting upon the Real Party in Interest's initial application, which Relator contends was based on false pretenses. The court accepted that initial emergency filing seemingly without scrutiny, removing Relator from his home and restricting access to his children based on allegations later

proven questionable, yet refused to even entertain Relator's subsequent, legitimate 15 emergency concerning actual harm. This differential treatment further underscores the arbitrary nature of the refusal and the denial of equal protection. The consequences of this judicial dereliction were not hypothetical; they were tragically real. As Relator warned, the delay precipitated by the court's refusal to act allowed the foreseen harm to materialize: the youngest child suffered a preventable dental emergency requiring intervention. This direct injury, stemming from the court's failure to perform its ministerial duty to hear the emergency motion, highlights the inadequacy of any remedy other than mandamus. An appeal after final judgment cannot undo the harm suffered by the child or rectify the profound denial of process experienced by Relator when faced with an immediate threat to his child's well-being.

**C. THE REFUSAL TO ACT AND SUBSEQUENT APPELLATE INACTION ERODE PUBLIC CONFIDENCE AND DEMAND SUPREME COURT INTERVENTION**

The issues presented transcend the specific facts of this case and touch upon the broader integrity of the Texas judiciary. When a trial court refuses to perform its clear ministerial duty to hear and rule upon a properly filed emergency motion alleging child endangerment, see *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (confirming the ministerial duty to consider and rule on properly filed motions), and the appellate court subsequently denies mandamus relief without explanation, it sends a chilling message. Such inaction suggests the courthouse doors may be closed to those seeking urgent protection for children, potentially violating the Texas Constitution's Open Courts Provision, which guarantees access to the courts for redress of injuries. Tex. Const. art. I, § 13. This apparent disregard for mandatory duties and fundamental rights fuels the perception, noted in the original petition referencing the Texas Home School Coalition report and the *Stary v. Ethridge* case, that courts may sometimes prioritize expediency or other factors over due process and parental rights. The Respondent Judge's refusal to act, followed by the perfunctory denial from the Second Court of Appeals, creates an accountability vacuum. It allows a clear dereliction of a ministerial duty—the duty to hear and rule, *In re Layton*, 257 S.W.3d 794, 795 (Tex. App.—Amarillo 2008, orig. proceeding)—to stand uncorrected, despite the direct and preventable harm caused to the child. While mandamus is an extraordinary remedy, its purpose includes compelling public officials to perform ministerial acts and correcting clear abuses of discretion where no adequate appellate remedy exists. See *In re Prudential Ins. Co. of Am*, 148 S.W.3d 124, 135-36 (Tex. 2004). When judicial inaction directly leads to irreparable harm, particularly to a child, the remedy by appeal is inherently inadequate. *Id.* at 136. This Court's intervention is necessary not only to rectify the specific injustice suffered by Relator and his child but also to reaffirm the 17 fundamental principle that Texas courts must provide a meaningful forum for litigants, especially in emergencies involving child safety, and must perform their ministerial duties without bias or arbitrary refusal. The unexplained silence from the lower courts cannot substitute for adherence to the rule of law and undermines the public trust essential for the judiciary's legitimacy. Mandamus relief is essential to compel the Respondent Judge to fulfill her duty and to restore a measure of faith in the judicial process.

**CONCLUSION AND PRAYER**

This is not merely a dispute over procedural timelines; it is a plea for the enforcement of fundamental legal obligations and the protection of a children's well-being.

The Respondent Judge's refusal to even consider Relator's emergency motion, particularly when contrasted with the sister court's earlier actions from the sister court that removed Relator from his home based on false allegations, demands correction. The integrity of the judicial process requires that courts fulfill their basic duties, especially when immediate risks to children are alleged. Failure to do so constitutes a clear abuse of discretion warranting mandamus relief. Therefore, all premises considered, the Relator prays that this Honorable Court: 1. Reverse and order that the trial court: (1) hear the emergency TRO filed on March 28, 2025; 18 2.

Provide any further relief to the Relator the court deems necessary

Respectfully submitted, /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se 6641 Anne Court Watauga, Texas 76148 Email:

chuckdustin12@gmail.com Phone: 817-546-3693 RELATOR CERTIFICATION REGARDING WORD COUNT I certify that this Petition for Writ of Mandamus complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 2,002 words, excluding any parts exempted by Tex. R. App. P. 9.4(i)(1). 19 CERTIFICATE OF SERVICE Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 2nd, 2025. Real Party in Interest Morgan Michelle Myers morganmw02@gmail.com Respondent Hon. Kate Stone Associate Judge 233rd District Court, Tarrant County, Texas

adwierzbicki@tarrantcountytexas.gov Tel.: 817-884-1197 200 E. Weatherford St. 5th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter coopercarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; STATE OF TEXAS COUNTY OF TARRANT AFFIDAVIT CERTIFYING RELATOR'S

APPENDIX BEFORE ME, the undersigned authority, personally appeared Charles Dustin Myers, who, being duly sworn by me, stated upon oath as follows: 1. My name is Charles Dustin Myers. I am over the age of eighteen, competent to make this affidavit, and I am the Relator in the above-captioned cause. I have personal knowledge of the facts stated herein, and each is true and correct. 2. I am familiar with the documents included in Relator's Appendix submitted in support of the Petition for Writ of Mandamus filed in the Second Court of Appeals at Fort Worth, Texas, arising from cause number 233-765358-25 in the 233rd District Court of Tarrant County, Texas and hereby certify that each of the documents contained in Relator's Appendix is a true and correct copy of the original document under penalty of perjury. 3. The Appendix is submitted in accordance with Texas Rule of Appellate Procedure 52.3(k)(1)(A) and is tendered as a proper record of the matters complained of in the mandamus proceeding. FURTHER AFFIANT SAYETH NOT. \_\_\_\_\_ Charles Dustin Myers

Relator State of Florida County of Bay County This foregoing instrument was acknowledged before me by means of online notarization, this 04/10/2025 by Charles Dustin Myers. Amber Riggs Notarized remotely online using communication technology via Proof. No. 25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. Original Proceeding Arising Out of the 233rd Judicial District Court of Tarrant County, Texas Cause Number 233-765358-25 Hon. Kate Stone 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 NAME TAB Order setting hearing for  
TRO..... 1 Temporary Orders  
rendered 03/14/2024..... 2 Tex. Fam. Code §  
6.407 – Joinder of SAPCR..... 3 Tex. Fam. Code §  
155.001 – Continuing, Exclusive Jurisdiction ..... 4 Tex. Const. art. I,  
§ 19 – Due Course of Law ..... 5 Tex. R. Civ. P. §  
21(f)(11)..... 6 Tex. R. Civ. P. §  
59 - Exhibits and Pleadings..... 7 TAB 1 Order

Setting Hearing for TRO RELATOR'S APPENDIX APP 1 NOTICE: THIS  
DOCUMENT CONTAINS SENSITIVE DATA FM-FH-101-Temporary  
Restraining Order and Order Setting Hearing (Rev. 01-2021)

©TexasLawHelp.org Page 1 of 4 Cause Number Print cause number and  
other court information exactly as it appears on the petition filed in this  
case. In the interest of: In the: (check one): 1. 2. District Court 3. Court  
Number County Court at Law 4. 5. Child(ren) County, Texas Temporary  
Restraining Order and Order Setting Hearing On \_\_\_\_\_

Petitioner \_\_\_\_\_ Date Your full name

presented a motion for a temporary restraining order to this Court.

Respondent's name is: \_\_\_\_\_.

Respondent's full name The child(ren) who are the subject of this suit are:  
Child's name Date of Birth Gender 1. 2. 3. 4. 5. 1. The Court finds that the  
issuance of a temporary restraining order is necessary to protect the  
child(ren) who are the subject of this suit. IT IS THEREFORE ORDERED that  
the Clerk of this Court issue a temporary restraining order that immediately  
restrains Respondent from doing the following: (check off each restraint that  
the Judge orders at the hearing) Threatening the child(ren) with imminent  
bodily injury. (See Texas Family Code 6.501(a)(5)) Causing bodily injury to  
the child(ren). (See Texas Family Code 6.501(a)(4)) Disturbing the peace of  
the child(ren). (See Texas Family Code 105.001(a)(3)) 233-765358-25 FILED  
TARRANT COUNTY 3/24/2025 4:42 PM THOMAS A. WILDER DISTRICT  
CLERK APP 1.1 233-765358-25 M.E.M. C.R.M. 233 TARRANT 03/24/2025

CHARLES DUSTIN MYERS MORGAN MICHELLE MYERS FM-FH-101-

Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021)

©TexasLawHelp.org Page 2 of 4 Removing the child(ren) beyond a  
geographic area identified by the Court. (See Texas Family Code 105.001(a)  
(4)) Withdrawing the child(ren) from the school or day-care facility where  
they are presently enrolled without the written consent of Petitioner. Hiding  
or secreting the child(ren) from Petitioner. Engaging in any criminal activity  
while the child(ren) are in the Respondent's possession. Using alcohol or  
illegal drugs 24 hours prior to or during his/her possession of the child(ren).  
2. The Court further finds that it clearly appears from specific facts shown  
by Petitioner's affidavit that immediate and irreparable injury or harm will  
result to the child(ren) before notice can be served and a hearing can be  
held. The injury or harm to the child(ren) is:

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The above injury or harm would be irreparable because:

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The temporary restraining order is granted without notice because:

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APP 1.2 The children are suffering daily from their father being prevented access to the marital home. The Respondent has prevented access since March 6, 2024, knowing the Petitioner's need for the residence to work. This has left the children without the care of either parent for the majority of the time, and are being told that the divorce has been finalized and that their father is a bad person. Prior to the Respondent's removal, the Children were cared for both emotionally and financially by the Petitioner. The Respondent knowingly and willingly sabotaged this relationship to further her own agenda with a separate relationship. The emotional well-being and stability of the children have been destroyed, and their stable life has been dismantled by the Respondent in bad faith. There exists no legal basis for the current situation to persist, and the children are already showing signs of distress, emotional trauma, and are beginning to struggle academically. The children need the Petitioner's stable, nurturing care during this difficult time, and they will soon lose all access to their Father who will be homeless given the circumstances. The Petitioner has been fighting for over a year to get back into his residence to no avail. The Respondent has refused to participate, and continues to prioritize her new relationship over the children. Notice would only spark more deceptive legal actions from the Respondent to try and subvert justice. FM-FH-101-Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021) ©TexasLawHelp.org Page 3 of 4

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It

is therefore ordered that: The bodies of the child(ren) be attached and that the child(ren) be placed in the possession of: The Petitioner The following person: \_\_\_\_\_ (See Texas Family Code 105.001(c)(1-2)) Respondent is excluded from possession of or access to the child(ren) until notice can be served and a hearing can be held. Respondent's possession of or access to the child(ren) is limited as follows until notice can be served and a hearing can be held: Respondent is excluded from unsupervised possession of the child(ren). Possession of the child(ren) shall be supervised by: Any person approved in writing by Petitioner A person approved by the Court:

Respondent is excluded from overnight visits with the child(ren). Any day visits shall begin no earlier than \_\_\_\_\_ a.m. and shall end no later than \_\_\_\_\_ p.m. Respondent may not allow the child(ren) to have any contact with the following person(s): \_\_\_\_\_

Respondent may not engage in the following acts during any periods of possession or access:

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3. This restraining order is effective immediately and will continue in full force and effect until it expires by its terms within a time period determined by the Court (not to exceed 14 days), unless within that time frame the order is extended for good cause shown, or unless the Respondent consents that it may be extended for a longer period. See Texas Rule of Civil Procedure 680. This restraining order expires on the following date:

. THE VIOLATION OF A TEMPORARY RESTRAINING ORDER IS PUNISHABLE BY CONTEMPT AND THE ORDER IS SUBJECT TO AND ENFORCEABLE UNDER CHAPTER 157 OF THE TEXAS FAMILY CODE. See Texas Family Code 105.001(f). APP 1.3 Petitioner will be able to surprise the children by picking them up from school, and they will finally be reunited with their father, something that they anticipate and desperately need. The Respondent has shown no ability to act in the children's best interests. DAMEN GAULT KAZLAUSKAS Respondent must not forbid the Petitioner from access to the marital home. Respondent must not disturb the peace of the children. Respondent must maintain an amicable candor towards all members of the household. Both parties must maintain the status quo as it was prior to the unlawful lockout of Petitioner which occurred on March 6, 2024. 2025/04/12 FM-FH-101-Temporary Restraining Order and Order Setting Hearing (Rev. 01-2021)

©TexasLawHelp.org Page 4 of 4 4. The requirement of a bond is waived. See Texas Family Code 105.001(d). Order to Appear IT IS ORDERED that Petitioner's application for temporary injunction and temporary orders be scheduled for a hearing at the earliest possible date and that the Clerk of this Court issue notice to Respondent to appear in person before this Court at the following date, time, and place (as required by Texas Rule of Civil Procedure 680): Date: \_\_\_\_\_

Time: \_\_\_\_\_ Address: \_\_\_\_\_

The purpose of the hearing is to determine whether the Court should order the following temporary relief while this case is pending: a. Convert the preceding temporary restraining order into a temporary injunction. b. Enter temporary orders for the safety and welfare of the child(ren), including but not limited to conservatorship, possession and access. c. Enter any other orders that are necessary for the safety and welfare of the child(ren). SIGNED on

, 20\_\_\_\_\_, at \_\_\_\_\_.m.

PRESIDING JUDGE APP 1.4 Automated

Certificate of eService This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng 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: 98863782 Filing Code Description: Proposed Order Filing Description: PROPOSED ORDER Status as of 3/26/2025 3:31 PM CST Case Contacts Name CHARLES MYERS MORGAN MICHELLEMYERS BarNumber Email chuckdustin12@gmail.com MORGANMW02@GMAIL.COM

TimestampSubmitted 3/25/2025 2:10:47 PM 3/25/2025 2:10:47 PM Status NOT SENT NOT SENT APP 1.5 TAB 2 Temporary Orders rendered 03/14/2024 in cause number 322-744263-23 RELATOR'S APPENDIX APP 2

IN THE MATTER OF THE MARRIAGE OF MORGAN MYERS AND CHARLES MYERS AND IN THE INTEREST OF CAUSE NO. 322-744263-23 IN THE DISTRICT COURT 322ND JUDICIAL DISTRICT MARA MYERS AND CAROLINE MYERS, CHILDREN § § § § § § § § TARRANT COUNTY, TEXAS TEMPORARY ORDERS 1JC On February JI, 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 322-744263-23 FILED TARRANT COUNTY 3/26/2024 3:19 PM THOMAS A. WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.1 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz following children: Name: Sex: Birth date: Home state: Name: Sex: Birth date: Home state: Conservatorship MARAMYERS Female 7 years Texas CAROLINE MYERS Female 5 years Texas IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: MARA MYERS and CAROLINE MYERS 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 APP 2.2 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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. field trips; the right to attend school activities, including school lunches, performances, and 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 APP 2.3 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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; APP 2.4 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 managmg 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 APP 2.5 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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.

APP 2.6 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz  
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 APP 2.7 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 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 APP 2.8 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.9 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.10 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP

2.11 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.12 A

CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK

TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 I - If CHARLES MYERS gives MORGAN MYERS written notice by April I 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 I - If CHARLES MYERS does not give MORGAN MYERS written notice by April I 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. APP 2.13 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.14 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.15 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK

TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.16 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.17 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.18 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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. APP 2.19 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 MARA MYERS and CAROLINE MYERS. 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/paymentoptions-and-types](http://www.texasattorneygeneral.gov/cs/paymentoptions-and-types). APP 2.20 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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. APP 2.21 A CERTIFIED COPY ATTEST: THOMAS A. WILDER

DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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. APP 2.22 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz

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: 1. The name of the health insurance carrier; 11. The number of the policy; iii. A copy of the policy; 1v. A schedule of benefits;

v. A health insurance membership card; v1. Claim forms; and v11. 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 APP 2.23 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.24 A CERTIFIED COPY ATTEST:

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

APP 2.25 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz

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 MARA MYERS and CAROLINE MYERS.

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 APP 2.26 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz

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: APP 2.27 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.28 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz by May 1, 2024, and file a certificate of completion with the Court for their attendance to this coparenting 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 APP 2.29 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 APP 2.30 A

**CERTIFIED COPY ATTEST:** THOMAS A. WILDER DISTRICT CLERK  
TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 2.31 A

**CERTIFIED COPY ATTEST:** THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 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, alienating, 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 2.32 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 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 2.33 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 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 APP 2.34 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 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 2.35 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 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 2.36 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 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, biogs, reward points, digital storefronts, artwork, and data storage accounts; w. virtual assets such as virtual pets, avatars, accessones 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. J1.JDGE PRESIDING APPROVED AS TO FORM ONLY: MARX ALTMAN & JOHNSON APP 2.37 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz 2905 Lackland Rd. FT. WORTH, Texas 76116 Tel: (817) 926-6211 Fax: (817) 926-6188 By: \_\_\_\_\_ Cooper Attorne for Petitioner State Bar No. 24121530 coopercarter@maj admin. com Daniel R. Bacalis PC 669 Airport Freeway Suite 307 Hurst, TX 76053 Office Phone: (817)498-4105 Fax: (817)282-0634 By: \_\_\_\_\_ Daniel Bacalis 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 2.38 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: 85983756 Filing Code Description: No Fee Documents Filing Description: Status as of 3/27/2024 7:40 AM CST Associated Case Party: MORGANMICHELLEMYERS Name MORGAN MICHELLEMYERS Cooper L.Carter BarNumber Email morganmw02@gmail.com coopercarter@majadmin.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT Associated Case Party: CHARLESDUSTINMYERS Name Daniel Bacalis Tammy L.Johnson Daniel R.Bacalis CHARLES MYERS BarNumber Email service@dbacalis.com tjohnson@dbacalis.com dbacalis@dbacalis.com chuckdustin12@gmail.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT SENT SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.39 TAB 3 Tex. Fam. Code § 6.407 RELATOR'S APPENDIX APP 3 APP 3.1 TAB 4 Tex. Fam. Code § 155.001 RELATOR'S APPENDIX APP 4 APP

4.1 TAB 5 Tex. Const. art. I. § 19 RELATOR'S APPENDIX APP 5 APP 5.1 TAB 6 Tex. R. Civ. P. § 21(f)(11) Non-Conforming Documents RELATOR'S APPENDIX APP 6 Misc. Docket No. 23-9053 Page 3 TEXAS RULES OF CIVIL PROCEDURE RULE 21. FILING AND SERVING PLEADINGS AND MOTIONS

(a) Filing and Service Required. Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.

(b) Service of Notice of Court Proceeding. An application to the court for an order and notice of any court proceeding, as defined in Rule 21d(a), not presented during a court proceeding, must be served upon all other parties not less than three days before the time specified for the court proceeding, unless otherwise provided by these rules or shortened by the court. Notice of any court proceeding must contain the information needed for participants, as defined in Rule 21d(a), to participate in the proceeding, including the location of the proceeding or instructions for joining the proceeding electronically, the court's designated contact information, and instructions for submitting evidence. A court must publish the information needed for participants to participate in its proceedings.

(c) Multiple Parties. If there is more than one other party represented by different attorneys, one copy of each pleading must be served on each attorney in charge.

(d) Certificate of Service. The party or attorney of record, must certify to the court compliance with this rule in writing over signature on the filed pleading, plea, motion, or application.

(e) Additional Copies. After one copy is served on a party, that party may obtain another copy of the same pleading upon tendering reasonable payment for copying and delivering.

(f) Electronic Filing.

(1) Requirement. Except in juvenile cases under Title 3 of the Family Code and truancy cases under Title 3A of the Family Code, attorneys must electronically file documents in courts where electronic filing has been mandated. Attorneys practicing in courts where electronic filing is available but not mandated and unrepresented parties may electronically file documents, but it is not required.

APP 6.1 Misc. Docket No. 23-9053 Page 5

(7) Electronic Signatures. A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:

(A) a "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(B) an electronic image or scanned image of the signature.

(8) Format. An electronically filed document must:

(A) be in text-searchable portable document format (PDF);

(B) be directly converted to PDF rather than scanned, if possible;

(C) not be locked; and

(D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.

(9) Paper Copies. Unless required by local rule, a party need not file a paper copy of an electronically filed document.

(10) Electronic Orders, Notices, and Other Documents From the Court. The clerk may must send orders, notices, orders, or and other communications about the cased documents to the parties electronically through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration. A court seal may be electronic.

(11) Non-Conforming Documents. The clerk may not refuse to file a document that fails to conform with this rule. But the

clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format. (12) Original Wills. When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed. (13) Official Record. The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document unless otherwise required by local rule. But the clerk must retain an original will filed for probate in a numbered file folder. APP 6.2 TAB 7 Tex. R. Civ. P. § 59 Exhibits and Pleadings RELATOR'S APPENDIX APP 7 Page 38 RULE 55. JUDGMENT In pleading a judgment or decision of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it shall be sufficient to aver the judgment or decision without setting forth matter showing jurisdiction to render it. RULE 56. SPECIAL DAMAGE When items of special damage are claimed, they shall be specifically stated. RULE 57. SIGNING OF PLEADINGS Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, with his State Bar of Texas identification number, address, telephone number, email address, and if available, fax number. A party not represented by an attorney shall sign his pleadings, state his address, telephone number, email address, and, if available, fax number. Notes and Comments Comment to 1990 change: To supply attorney telecopier information with other identifying information on pleadings. Documents telephonically transferred are permitted to be filed under changes in Rule 45. RULE 58. ADOPTION BY REFERENCE Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion, so long as the pleading containing such statements has not been superseded by an amendment as provided by Rule 65. RULE 59. EXHIBITS AND PLEADING Notes, accounts, bonds, mortgages, records, and all other written instruments, constituting, in whole or in part, the claim sued on, or the matter set up in defense, may be made a part of the pleadings by copies thereof, or the originals, being attached or filed and referred to as such, or by copying the same in the body of the pleading in aid and explanation of the allegations in the petition or answer made in reference to said instruments and shall be deemed a part thereof for all purposes. Such pleadings shall not be deemed defective because of the lack of any allegations which can be supplied from said exhibit. No other instrument of writing shall be made an exhibit in the pleading. APP 7.1 Automated Certificate of eService This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng 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: 99524439 Filing Code Description: Original Proceeding Petition Filing Description: PETITION FOR WRIT OF MANDAMUS AND RELATOR'S APPENDIX - VERIFIED Status as of 4/10/2025 3:05 PM CST Case Contacts Name Kate Stone COOPER LCARTER MORGAN MICHELLEMYERS CHARLES MYERS BarNumber Email adwierzwicki@tarrantcountytexas.gov COOPER.CARTER@MAJADMIN.COM MORGANMW02@GMAIL.COM CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 4/10/2025 2:37:09 PM 4/10/2025 2:37:09 PM 4/10/2025 2:37:09 PM 4/10/2025 2:37:09 PM Status SENT SENT SENT

SENT 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: Envelope ID: 100376468 Filing Code Description: Record - Original Proceeding Filing Description: Mandamus Record Status as of 5/2/2025 12:28 PM CST Case Contacts Name CHARLES DMYERS BarNumber Email CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 5/2/2025 12:02:24 PM Status SENT Did Judge Kate Stone improperly refuse to allow a hearing on an emergency temporary restraining order regarding a child, un-set a scheduled hearing, and instruct the litigant to leave the courtroom, thereby violating Texas procedural law and due process rights, and allowing opposing counsel to interfere with the proceedings despite not being present in the courtroom? Brief the State Commission on Judicial Conduct on this issue and if an investigation should commence.

## **Answer (Texas)**

### **Short response**

The available record and controlling Texas law strongly indicate that Judge Kate Stone's refusal to hear a properly filed emergency temporary restraining order (TRO) regarding a child, her upsetting of a scheduled hearing, and her instruction for the litigant to leave the courtroom likely violated both Texas procedural law and due process rights. These actions, if substantiated, warrant investigation by the State Commission on Judicial Conduct.

### **Summary**

Texas law imposes a ministerial duty on trial judges, including associate judges, to consider and rule on properly filed motions—especially those involving the safety and welfare of children. The refusal to hear an emergency TRO, particularly when accompanied by the upsetting of a scheduled hearing and exclusion of a party from the courtroom, constitutes a potential denial of due process and a clear departure from established statutory and case law requirements, justifying scrutiny by judicial oversight authorities.

The facts as presented suggest not only a failure to perform a non-discretionary judicial function but also a possible erosion of public confidence in the judiciary's impartiality and accessibility. The State Commission on Judicial Conduct should commence an investigation to determine whether Judge Stone's conduct violated the Texas Code of Judicial Conduct, the Texas Family Code, and constitutional due process guarantees, and to ensure accountability and the protection of fundamental rights in the Texas courts.

# **Background and Relevant Law**

## **Legislative Framework**

**Texas Family Code § 105.001** authorizes courts to issue temporary orders, including TROs, for the safety and welfare of children in suits affecting the parent-child relationship. Except for certain emergency orders sought by governmental entities, the statute requires that such orders generally be rendered only after notice and a hearing. The law is explicit that the court may not refuse to hear a properly filed emergency motion unless a statutory exception applies, and it is designed to ensure that parties have a meaningful opportunity to be heard before their rights are affected.

**Texas Family Code § 201.007** sets forth the powers of associate judges, including the authority to conduct hearings, hear evidence, regulate proceedings, and issue temporary orders. Unless specifically limited by an order of referral, an associate judge is required to exercise these powers in accordance with the law and cannot arbitrarily refuse to conduct hearings on matters properly before the court.

## **Case Law**

Texas appellate courts have repeatedly held that a trial court has a ministerial duty to consider and rule on motions that are properly filed and pending before it. This duty is not discretionary and is enforceable by mandamus if the court fails to act within a reasonable time ([In re Layton, 257 S.W.3d 794, 795 \(Tex. App. 2008\)](#); [Barnes v. State, 832 S.W.2d 424, 426 \(Tex. App. 1992\)](#)). The refusal to rule on such motions, especially in the context of emergency relief affecting child safety, constitutes a denial of due process and is subject to correction by higher courts ([Creel v. District Attorney for Medina County, Tex., 818 S.W.2d 45 \(Tex. 1991\)](#)).

The courts have also emphasized that due process requires notice and a meaningful opportunity to be heard before a court can grant or deny relief that affects fundamental rights, such as parental rights ([In re Ramirez, 04-24-00361-CV \(Tex. App. Aug 14, 2024\)](#); [In re K.M., NO. 12-18-00044-CV \(Tex. App. Apr 18, 2018\)](#)). The Texas Code of Judicial Conduct further mandates that judges must accord every person with a legal interest in a proceeding the right to be heard according to law ([In re Goddard, NO. 12-18-00355-CV \(Tex. App. Feb 06, 2019\)](#)).

## **Analysis**

### **1. Ministerial Duty to Hear and Rule on Emergency Motions**

The Texas Family Code and controlling case law are unequivocal: when a motion is properly filed and pending, the trial court has a ministerial duty to consider and rule on it within a reasonable time ([In re Layton, 257 S.W.3d 794, 795 \(Tex. App. 2008\)](#); [Barnes v. State, 832 S.W.2d 424, 426 \(Tex. App.](#)

[1992](#)). This duty is heightened in cases involving the safety and welfare of children, where the legislature has provided for expedited procedures and emergency relief ([Tex. Fam. Code § 105.001](#)).

The record indicates that the relator, Charles Dustin Myers, properly filed an emergency TRO seeking immediate relief for his children. The judge's refusal to hear the motion, her upsetting of a scheduled hearing, and her instruction for the litigant to leave the courtroom, if true, represent a clear failure to perform a non-discretionary judicial function. Such conduct is not justified by any statutory exception and is inconsistent with the associate judge's powers and duties under [Tex. Fam. Code § 201.007](#).

## **2. Due Process and the Right to Be Heard**

Due process under both the U.S. and Texas Constitutions requires that parties be given notice and a meaningful opportunity to be heard before the court takes action affecting their rights ([Creel v. District Attorney for Medina County, Tex., 818 S.W.2d 45 \(Tex. 1991\)](#)). The Texas Supreme Court has held that summary dismissal of a petition without notice or hearing is a denial of due process. In the context of family law, where parental rights are at stake, the courts have been especially vigilant in enforcing these procedural safeguards ([In re Ramirez, 04-24-00361-CV \(Tex. App. Aug 14, 2024\)](#); [In re K.M., NO. 12-18-00044-CV \(Tex. App. Apr 18, 2018\)](#)).

The facts presented suggest that Judge Stone's actions deprived the relator of any opportunity to be heard on his emergency motion, in direct contravention of these constitutional and statutory requirements. The refusal to even schedule or conduct a hearing, particularly when the matter involves alleged imminent harm to a child, is a grave procedural violation.

## **3. Judicial Conduct and Public Confidence**

The Texas Code of Judicial Conduct requires judges to act impartially, diligently, and in accordance with the law. The refusal to hear a properly filed emergency motion, especially when accompanied by the exclusion of a party from the courtroom and the apparent allowance of interference by opposing counsel not present in the courtroom, raises serious questions about impartiality, fairness, and the integrity of the judicial process ([In re Goddard, NO. 12-18-00355-CV \(Tex. App. Feb 06, 2019\)](#)).

Such conduct, if substantiated, not only undermines the rights of the parties but also erodes public confidence in the judiciary's ability to provide a fair and accessible forum for the resolution of urgent disputes. The Texas Constitution's Open Courts Provision guarantees access to the courts for redress of injuries, and judicial inaction that effectively closes the courthouse doors to those seeking emergency protection for children is antithetical to this guarantee.

## **4. Remedy and Oversight**

Mandamus is the appropriate remedy to compel a trial court to perform its ministerial duties when there is no adequate remedy by appeal ([In re](#)

[Layton, 257 S.W.3d 794, 795 \(Tex. App. 2008\)](#); [In re Herring, 221 S.W.3d 729 \(Tex. App. 2007\)](#)). However, where the conduct in question may also constitute a violation of the Code of Judicial Conduct or a pattern of judicial misconduct, the State Commission on Judicial Conduct is empowered to investigate and, if necessary, discipline judges who fail to uphold the law and the rights of litigants.

The facts as presented—refusal to hear an emergency motion, unsetting a scheduled hearing, instructing a litigant to leave the courtroom, and allowing improper interference by opposing counsel—are sufficiently serious to warrant an investigation by the Commission. Such an investigation would serve not only to address the specific conduct at issue but also to reinforce the standards of judicial accountability and the protection of fundamental rights in Texas courts.

## Exceptions and Caveats

It is important to note that a trial court is afforded a reasonable time to act on pending motions, and what constitutes a reasonable time depends on the circumstances ([Barnes v. State, 832 S.W.2d 424, 426 \(Tex. App. 1992\)](#)). However, in the context of emergency relief for child safety, delays or refusals to act are rarely justified absent extraordinary circumstances.

Additionally, while the record suggests that opposing counsel may have interfered with the proceedings despite not being present in the courtroom, the precise nature and impact of this interference would need to be established through investigation. The Commission should consider all relevant evidence, including the court record, witness statements, and any communications between the parties and the court.

## Conclusion

In summary, the refusal by Judge Kate Stone to hear a properly filed emergency TRO regarding a child, her unsetting of a scheduled hearing, and her instruction for the litigant to leave the courtroom, if substantiated, constitute a likely violation of Texas procedural law and due process rights. These actions are inconsistent with the ministerial duties imposed by the Texas Family Code and controlling case law, and they undermine the fundamental right to be heard in matters affecting child safety and parental rights. The State Commission on Judicial Conduct should commence an investigation to determine whether Judge Stone's conduct violated the law and the Code of Judicial Conduct, and to ensure accountability and the protection of the public's confidence in the Texas judiciary.

## Legal Authorities

[In re Crystal Aubin, 29 S.W.3d 199 \(Tex. App. 2000\)](#)

**Texas Court of Appeals**

## **Extract**

The Texas Supreme Court has acknowledged that mandamus may issue where the legal process itself would violate the relator's constitutional rights. *Tilton v. Marshall*, 925 S.W.2d 672, 682 (Tex. 1996). Absent a finding, supported by evidence, that the safety and welfare of the children is significantly impaired by the denial of the Burks' visitation, Aubin's decision regarding whether the children will have any contact with the Burks is an exercise of her fundamental right as a parent. That right is shielded from judicial interference by the Due Process clause of the United States Constitution.

## **Summary**

The Texas Supreme Court recognizes the issuance of mandamus in cases where legal processes infringe upon constitutional rights, such as due process. This is particularly relevant in family law cases where parental rights are at stake. The passage highlights the importance of evidence-supported findings when judicial decisions affect parental rights, emphasizing the protection of these rights under the Due Process clause.

[In re Goddard, NO. 12-18-00355-CV \(Tex. App. Feb 06, 2019\)](#)

## **Texas Court of Appeals**

### **Extract**

Moreover, the record does not indicate that James, whose conduct was the reason for and the subject of the temporary protective order, ever objected to continuation of the order or sought to have the order vacated. The family code contemplates the setting aside of a temporary ex parte protective order on the filing of a motion by one affected by the order and after a hearing. TEX. FAM. CODE ANN. § 83.004. In this case, no one affected by the order filed a motion to vacate. Chapter 83, which governs temporary ex parte orders, contains no express language either permitting or prohibiting the sua sponte setting aside of a temporary protective order. See id. §§ 83.001-.006 (West 2014). Assuming Respondent's inherent authority allowed him to sua sponte vacate the order, Section 83.004 would appear to require a hearing before vacating a temporary protective order. See id. § 83.004; see also *Rymer v. Lewis*, 206 S.W.3d 732, 736 (Tex. App.—Dallas 2006, no pet.) (trial courts possess inherent power to control the disposition of their cases). Furthermore, the code of judicial conduct requires a judge to 'accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.' TEX. CODE JUD. CONDUCT, Canon 3(B)(8), reprinted in TEX. GOV'T CODE ANN., tit. 2, subtit. G App. B (West 2013).

## **Summary**

The Texas Family Code requires a hearing before vacating a temporary protective order, and the Code of Judicial Conduct mandates that judges must allow parties with a legal interest in a proceeding the right to be heard. This suggests that a judge cannot unilaterally refuse to hear a properly filed motion for a temporary restraining order without violating procedural law and due process rights.

[In re Ramirez, 04-24-00361-CV \(Tex. App. Aug 14, 2024\)](#)

## **Texas Court of Appeals**

### **Extract**

A trial court 'may make a temporary order for the safety and welfare of the child, including an order modifying a prior temporary order' in a suit affecting the parent-child relationship. Tex. Fam. Code § 105.001(a). However, except in situations not applicable here, a modification of a temporary order regarding the temporary conservatorship of a child or temporary support of a child generally may not be rendered except after notice and hearing. Id. § 105.001(a)(1)-(2), (b); Herring, 221 S.W.3d at 731. In Herring, this court determined the trial court abused its discretion by failing to give notice and an adversary hearing before modifying custody of the child.

## **Summary**

Texas Family Code § 105.001 requires notice and a hearing before modifying temporary orders regarding child conservatorship or support. The passage highlights that failing to provide notice and an adversarial hearing constitutes an abuse of discretion by the trial court. This is relevant to the question as it addresses the procedural requirements for temporary orders and the necessity of a hearing, which may have been violated in the scenario involving Kate Stone.

[In re Herring, 221 S.W.3d 729 \(Tex. App. 2007\)](#)

## **Texas Court of Appeals**

### **Extract**

This court is authorized to issue mandamus relief to correct a clear abuse of discretion for which relator has no other adequate remedy. Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992). Because temporary orders in suits affecting the parent-child relationship are not appealable, a petition for a writ of mandamus is an appropriate means to challenge them. Dancy v. Daggett, 815 S.W.2d 548, 549 (Tex. 1991); In re Pensom, 126 S.W.3d 251, 257

(Tex.App.-San Antonio 2003, orig. proceeding). ... Here, according to the trial court's order setting hearing, the only matter set for December 7, 2006 was the motion for entry of judgment. Barrientos did not file and serve on Herring any pleading asking the court to give her temporary custody. Plus, the trial court's new temporary order was not prompted by any emergency. We conclude the trial court's failure to provide Herring notice prior to issuing a new temporary custody order was a clear abuse of discretion.

## **Summary**

Issuance of mandamus relief to correct a clear abuse of discretion when there is no other adequate remedy. It highlights that temporary orders in suits affecting the parent-child relationship are not appealable, making a writ of mandamus an appropriate means to challenge them. The passage also emphasizes the importance of providing notice before issuing temporary custody orders and identifies the failure to do so as a clear abuse of discretion.

[In re K.M., NO. 12-18-00044-CV \(Tex. App. Apr 18, 2018\)](#)

## **Texas Court of Appeals**

### **Extract**

In a suit affecting the parent-child relationship, a trial court may make a temporary order for the child's safety and welfare, including an order (1) for the temporary conservatorship of the child, (2) for the temporary support of the child, (3) to restrain a party from disturbing the peace of the child or another party, (4) to prohibit 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. TEX. FAM. CODE ANN. § 105.001(a). The trial court is further authorized to render temporary orders in a suit for modification. Id. § 156.006(a) (West Supp. 2017). Other than an emergency order sought by a governmental entity, an order may not be rendered under section 105.001(a)(1), (2), or (5) except after notice and a hearing.

## **Summary**

Texas law requires a trial court to hold a hearing before rendering certain temporary orders in suits affecting the parent-child relationship, except in cases of emergency orders sought by a governmental entity. This implies that a refusal to hold a hearing on an emergency temporary restraining order, as alleged in the question, could potentially violate procedural law if the situation did not meet the criteria for an emergency order without a hearing.

[In re Layton, 257 S.W.3d 794 \(Tex. App. 2008\)](#)

## **Texas Court of Appeals**

### **Extract**

A trial court has a ministerial duty to consider and rule on motions properly filed and pending before the court and mandamus may issue to compel the judge to act. Safety-Kleen Corp. v. Garcia, 945 S.W.2d 268, 269 (Tex.App.-San Antonio 1997, orig. proceeding) (citing O'Donniley v. Golden, 860 S.W.2d 267, 269-70 (Tex. App.-Tyler 1993, orig. proceeding)). However, the trial court is afforded a reasonable time in which to perform this ministerial duty. Barnes v. State, 832 S.W.2d 424, 426 (Tex.App.-Houston [1st Dist.] 1992, orig. proceeding). Whether the trial court has failed to act within a reasonable time is dependent upon the circumstances of the case. Id.

### **Summary**

A trial court has a ministerial duty to consider and rule on motions that are properly filed and pending. This duty is not discretionary, and mandamus may be issued to compel the judge to act if they fail to do so. However, the court is allowed a reasonable time to perform this duty, and what constitutes a reasonable time depends on the circumstances of the case.

## [Creel v. District Attorney for Medina County, Tex., 818 S.W.2d 45 \(Tex. 1991\)](#)

### **Texas Supreme Court**

### **Extract**

The dispositive issue in this cause is whether it was a denial of due process for the trial court to summarily dismiss Creel's petition absent either notice or hearing. Fundamental requirements of due process demand an opportunity to be heard. Armstrong v. Manzo, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62, 66 (1965). Consequently, the issue of whether the district attorney's compliance was moot must still be decided pursuant to notice and hearing. The trial court acted improperly when it summarily dismissed Creel's petition for writ of mandamus.

### **Summary**

The Texas Supreme Court has established that due process requires an opportunity to be heard, and a trial court acts improperly if it dismisses a petition without notice or a hearing. This principle is generally applicable to cases in Texas where due process rights are in question.

## [Barnes v. State, 832 S.W.2d 424 \(Tex. App. 1992\)](#)

### **Texas Court of Appeals**

## **Extract**

When a motion is properly filed and pending before a trial court, the act of giving consideration to and ruling upon that motion is a ministerial act. ... In such circumstances, a trial court must consider and rule upon the motion within what, when all the surrounding circumstances are taken into account, constitutes a reasonable time. ... A refusal to rule within a reasonable time would frustrate that process and, moreover, would constitute a denial of due course of law, ... Consequently, mandamus is available to compel a trial court to make a ruling within a reasonable time.

## **Summary**

When a motion is properly filed and pending, the trial court has a ministerial duty to consider and rule on it within a reasonable time. Failure to do so constitutes a denial of due process, and mandamus can be used to compel the court to act. This principle is generally applicable to all cases where a motion is pending before a trial court.

[Stary v. Ethridge, 695 S.W.3d 417 \(Tex. App. 2022\)](#)

## **Texas Court of Appeals**

### **Extract**

Appellant Christine Lenore Stary appeals from the trial court's order granting a lifetime family-violence protective order prohibiting her from communicating with or going near her three minor children. In four issues, Stary argues that: (1) the trial court violated her right to due process by granting a lifetime protective order based only on proof by a preponderance of the evidence rather than by the heightened standard of proof by clear and convincing evidence; (2) the trial court violated her right to due process by granting the protective order for a period exceeding two years on the basis of an unadjudicated felony charge without applying a heightened burden of proof; (3) the evidence is insufficient to support the trial court's findings that she committed family violence and is likely to commit family violence in the future; and (4) the trial court abused its discretion by excluding evidence of appellee Brady Neal Ethridge's domestic abuse of her and denying her request to make an offer of proof. We affirm.

## **Summary**

Due process rights related to protective orders, specifically the standard of proof required. It highlights the argument that a protective order that effectively terminates parental rights should require a higher standard of proof, similar to parental termination proceedings. This is relevant to the question as it touches upon due process rights in family law proceedings, which could be analogous to the situation involving Kate Stone.

[Tex. Fam. Code § 105.001 Tex. Fam. Code § 105.001 Temporary Orders Before Final Order](#)

## **Extract**

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... 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), , or except after notice and a hearing.

## **Summary**

Texas law allows for temporary restraining orders and temporary injunctions to be granted without the necessity of an affidavit or verified pleading in certain circumstances. However, an order under Subsection (a) generally requires notice and a hearing unless it is an emergency order sought by a governmental entity. This suggests that a court should not refuse to hear a properly filed emergency motion without providing notice and a hearing, unless specific exceptions apply.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

## **Extract**

Except as limited by an order of referral, an associate judge may: conduct a hearing; hear evidence; compel production of relevant evidence; rule on the admissibility of evidence; issue a summons for: (A) the appearance of witnesses; and (B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice; examine a witness; swear a witness for a hearing; make findings of fact on evidence; formulate conclusions of law; recommend an order to be rendered in a case; regulate all proceedings in a hearing before the associate judge; order the attachment of a witness or party who fails to obey a subpoena; order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section FAMILY CODE 201.013; without prejudice to the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final

hearing; take action as necessary and proper for the efficient performance of the associate judge's duties; and render and sign a final order if the parties waive the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 in writing before the start of a hearing conducted by the associate judge.

## **Summary**

An associate judge in Texas has the authority to conduct hearings, hear evidence, and issue temporary orders. This includes the ability to regulate all proceedings in a hearing before them. If Judge Kate Stone, as an associate judge, refused to conduct a hearing on an emergency temporary restraining order without a valid reason or order of referral limiting her powers, it could be seen as a failure to perform her duties as outlined in the Texas Family Code. This could potentially violate procedural law and due process rights if the refusal was unjustified.

This memo was compiled by Vincent AI based on vLex materials available as of August 22, 2025. [View full answer on vLex](#)