

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CAUSE NO. CV19-04-307-1

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
IAN EDWARD CRUZ,	§	271st JUDICIAL DISTRICT
	§	
A CHILD	§	WISE COUNTY, TEXAS

COUNTERPETITION TO MODIFY PARENT-CHILD RELATIONSHIP

Discovery Control Plan

Pursuant to Rule 190 of the Texas Rules of Civil Procedure, discovery is intended to be conducted in this suit under Level 2.

Parties

Matthew Porter is the Counterrespondent in this action.

Service of Citation

Service of this Counterpetition on Counterrespondent may be effected through Counterrespondent's attorney of record, John-Paul Chidgey, in accordance with Rule 21a, Texas Rules of Civil Procedure.

Jurisdiction for Suit Affecting Parent-Child Relationship

This court has continuing, exclusive jurisdiction of the suit affecting the parent-child relationship.

COUNTERPETITION TO MODIFY PARENT-CHILD RELATIONSHIP

THE PETROSS LAW FIRM, PLLC.
112 HOGLE ST.
WEATHERFORD, TEXAS 76086
Tel: 817.677.8772
Email: petrosslaw@gmail.com

Child of the Suit

The following child is subject to this suit:

Name	Gender	Birth Date
Ian Edward Cruz	Male	12/07/2016

Order to Be Modified

The Order to be modified is entitled Order Establishing the Parent-Child Relationship and was signed on November 2, 2018.

Statement on Child's Property

The statement on the child's property contained in the initial pleadings of the underlying suit remains an accurate description and statement of value of all property currently owned or possessed by the child.

No Written Settlement Agreement

Rebecca Nance petitions the Court to modify an order for conservatorship, possession and access, and child support that is not based on a collaborative law settlement agreement or a mediated settlement agreement.

Conservatorship

The following modifications requested by Rebecca Nance are in the best interest of the child of this suit:

Conservatorship Modification Grounds

The financial, familial, and emotional wellness circumstances of the child and the conservators have materially and substantially changed since the date of the rendition of the Order.

Modification of Rights and Duties

Rebecca Nance petitions the Court to change Rebecca Nance's rights and duties as joint managing conservator and to render an order to include the following rights:

1. the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures;
2. the exclusive right to consent to psychiatric and psychological treatment;
3. the exclusive right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;
4. the exclusive right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
5. the exclusive right to make decisions concerning the child's education; and
6. the exclusive right to apply for a passport for the child, renew the child's passport, and maintain possession of the child's passport.

Possession and Access

Rebecca Nance petitions the Court to order that Matthew Porter shall not allow Christopher Porter to be in the possession of, have access to, or be in the presence of the child at any time. The requested variance from the standard possession order is in the best interest of the child.

Rebecca Nance petitions the Court to render an order pursuant to Subchapter F, Chapter 153 of the Texas Family Code, that provides Matthew Porter with the rights of possession of a child in accordance with the terms and conditions of a standard possession order subject to the variance requested above.

Passport Application

Rebecca Nance petitions the Court to order that a parent whose consent is required for the issuance of a passport for the child must consent in writing within 5 days of receiving a request for consent, unless that parent has good cause to withhold consent.

Child Support

The following modifications requested by Rebecca Nance are in the best interest of the child of this suit:

Child Support Modification Grounds

The circumstances of a party affected by the Order have materially and substantially changed since the date of the rendition of the Order.

It has been three years since the child support Order was rendered or last modified and the monthly amount of the award under the Order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the Texas child support guidelines.

Child Support Modification Request

Rebecca Nance petitions the Court to modify the amount of support ordered for obligations accruing after the earlier of the date of service of citation on Matthew Porter or Matthew Porter's appearance in this suit.

Modification of Amount

Rebecca Nance petitions the Court to increase the amount of child support until the support obligation terminates.

Health Insurance

Rebecca Nance petitions this Court to order Matthew Porter to maintain health insurance for Ian Edward Cruz and to pay health and dental insurance premiums for coverage on the child and fifty percent of the child's uninsured medical and dental expenses.

Permanent Injunction

Rebecca Nance petitions this Court, after trial on the merits, to grant an injunction permanently enjoining Matthew Porter from engaging in any of the following conduct:

1. Withdrawing the child from the school or day-care facility where the child is enrolled by Rebecca Nance;
2. Hiding or secreting the child from Rebecca Nance or changing the child's place of abode;
3. Disturbing the peace of the child;
4. Making disparaging remarks about Rebecca Nance or Rebecca Nance's family, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents;
5. Discussing with the child, or with any other person in the presence of the child, any litigation related to the child or Rebecca Nance;
6. Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with Rebecca Nance, whether in person, by telephone, or in writing;
7. Threatening Rebecca Nance in person, by telephone, or in writing to take unlawful action against any person; and
8. Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.

Attorney's Fees

It was necessary to hire Chad Petross and pay attorney's fees to prosecute this Counterpetition to Modify Parent-Child Relationship. Rebecca Nance petitions

this Court to award reasonable and necessary attorney's fees and expenses incurred through trial and appeal, as a judgment in favor of Rebecca Nance against Matthew Porter, and order the judgment and post-judgment interest to be paid directly to Chad Petross who may enforce the order for fees by any means available for the enforcement of a judgment for debt.

Rebecca Nance petitions this Court to order that all court costs incurred in preparing and prosecuting this Counterpetition be taxed against Matthew Porter.

Prayer

Rebecca Nance prays that the Court issue citation and notice as required by law and grant the relief requested in this Counterpetition.

Rebecca Nance prays that this Court, upon notice and hearing, grant a permanent injunction enjoining Matthew Porter from the acts set forth above.

Rebecca Nance prays that Rebecca Nance be awarded a judgment against Matthew Porter for reasonable attorney's fees, expenses, and costs.

Rebecca Nance prays for general relief.

Standing Orders for Wise County are attached and incorporated herein.

Respectfully submitted,

THE PETROSS LAW FIRM, PLLC
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WEATHERFORD, TX 76086
Tel: (817) 677.8772
Email: petrosslaw@gmail.com

/s/ Chad D. Petross
Chad Petross
State Bar No.: 24056127
Attorney for Rebecca Nance

Certificate of Service

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on January 15, 2025:

John-Paul Chidgey
Attorney for Matthew Porter
Via E-File Service to: chidgeyjp@gmail.com

/s/ Chad D. Petross
Chad Petross
Attorney for Rebecca Nance

**WISE COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Wise County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Wise County. The District Court of Wise County has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, **IT IS ORDERED**:

1. **NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:

1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.

1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.

1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.

1.4 Disturbing the peace of the children.

1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.

1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.

1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:

2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.

2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.

2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.

2.4 Opening or diverting mail addressed to the other party.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:

3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.

3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.

3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.

3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.

3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

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

3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.

3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.

3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.

3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.

3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.

3.15 Intercepting or recording the other party's electronic communications.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.

4.2 Falsifying any writing or record relating to the property of either party.

4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.

5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.

6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.

6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER.**

7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of this petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

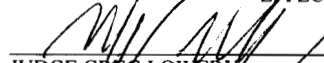
7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the day of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

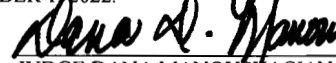
8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the Court signs a final decree.

9. **PARTIES ENCOURAGED/ORDERED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a hearing on temporary orders or final orders.

THIS WISE COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON SEPTEMBER 1, 2022.


JUDGE BROCK R. SMITH
271ST JUDICIAL DISTRICT COURT
JACK AND WISE COUNTIES


JUDGE GREG LOWERY
WISE COUNTY
COUNTY COURT AT LAW NO. 1


JUDGE DANA MANOUSHAGIAN
WISE COUNTY
COUNTY COURT AT LAW NO. 2

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.

Chad Petross on behalf of Chad Petross

Bar No. 24056127

petrosslaw@gmail.com

Envelope ID: 96239755

Filing Code Description: Counterpetition

Filing Description: TO MODIFY PARENT-CHILD RELATIONSHIP

Status as of 1/15/2025 11:15 AM CST

Associated Case Party: ATTORNEY GENERAL

Name	BarNumber	Email	TimestampSubmitted	Status
Office of Attorney General		CSD-Legal-413@oag.texas.gov	1/15/2025 10:22:00 AM	SENT

Associated Case Party: REBECCAJOLENENANCE

Name	BarNumber	Email	TimestampSubmitted	Status
Chad Petross		Petrosslaw@gmail.com	1/15/2025 10:22:00 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Attorney General		CSD-legal-914@texasattorneygeneral.gov	1/15/2025 10:22:00 AM	SENT
TRACY JOHNSON		tracy.johnson@oag.texas.gov	1/15/2025 10:22:00 AM	SENT

Associated Case Party: MATTHEWDEWAYNEPORTER

Name	BarNumber	Email	TimestampSubmitted	Status
John-Paul Chidgey		chidgeyjp@gmail.com	1/15/2025 10:22:00 AM	SENT