

Crystal McDowell

NO. DF-15-09887-S

IN THE INTEREST OF

J.A.D.Y. and J.U.D.Y.,

MINOR CHILDREN

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IN THE DISTRICT COURT

255TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**COUNTER-PETITION TO MODIFY IN SUIT AFFECTING
THE PARENT-CHILD RELATIONSHIP**

I.

DISCOVERY

1.01 Pursuant to Rule #190 of the Texas Rules of Civil Procedure, discovery in this matter is intended to be conducted under Level #3.

II.

PETITIONER AND ORDER TO BE MODIFIED

2.01 This counter-petition seeking modification of prior orders is brought by Respondent/Counter-petitioner JEFFREY DAMON YOUNGER who is a party affected by the order sought to be modified. The last three digits of Petitioner's Texas driver's license are 224 and the last three digits of his social security number are 201.

2.02 Petitioner is the Father of the minor children, the subject of this suit, and is a Joint Managing Conservator of the children. The modifications requested herein will be in the best interest of the children. The Order to be modified is entitled Order in Suit Affecting the Parent-Child Relationship dated November 09, 2016.

III.

JURISDICTION

3.01 This Court has acquired and retains continuing, exclusive jurisdiction of this suit and of the minor children, the subject of this suit, as a result of prior proceedings.

IV.
PROTECTIVE ORDER STATEMENT

4.01 There are no protective orders or applications for protective orders until Title 4 of the Texas Family Code, Chapter 7A of the Texas Code of Criminal Procedure in effect or pending relating to the parties to this suit, and there are no applications or orders for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure in effect or pending.

V.
CHILDREN

5.01 The following children are the subject of this counter-petition:

NAME:	J.A.D.Y. (JAMES DAMON YOUNGER)
SEX:	Male
BIRTHDATE:	05/07/2012
BIRTHPLACE:	Dallas, Texas

NAME:	J.U.D.Y. (JUDE DANIEL YOUNGER)
SEX:	Male
BIRTHDATE:	05/07/2012
BIRTHPLACE:	Dallas, Texas

VI.
PARTIES AFFECTED

6.01 The names and addresses of each party whose rights, privileges, duties or powers may be affected by this motion are:

NAME:	ANNE GEORGULAS
RELATIONSHIP:	Mother and Joint Managing Conservator of the children.

6.02 Process may be served on ANNE GEORGULAS through her attorney of record Attorney of Record KIM M. MEADERS, Palmer & Manuel, PLLC, 8350 North Central Expressway #1111, Dallas, Texas 75206.

VII.
CHILDREN'S PROPERTY

7.01 There has been little or no change in the status of the children's property since rendition of the Order sought to be modified.

VIII.
CONSERVATORSHIP/POSSESSION AND ACCESS

8.01 The circumstances of the children or a person affected by the order to be modified have materially and substantially changed since the rendition of the Order, and requested modification of the Order is clearly in the best interest of the children. Counter-Petitioner JEFFREY DAMON YOUNGER requests that the Court appoint him as the Sole Managing Conservator of the children, and that Counter-Respondent ANNE GEORGULAS be appointed Possessory Conservator of the children.

8.02 Counter-Petitioner JEFFREY DAMON YOUNGER further requests that the terms and conditions for access to or possession of the children be modified with due consideration being given for the safety and well being of the children, and for their emotional stability and security, which will be in their best interest.

IX.
REQUEST FOR TEMPORARY ORDERS

9.01 Counter-Petitioner JEFFREY DAMON YOUNGER requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the minor children as deemed necessary and equitable including but not limited to the following:

Appointing Counter-Petitioner JEFFREY DAMON YOUNGER temporary Sole Managing Conservator of the children and Counter-Respondent ANNE GEORGULAS as temporary Possessory Conservator of the children.

Implementation of Special Possession Order that carefully restricts and regulates Respondent's possession of or access to the children while the case is pending, including provision for possession and access that is restricted to daytime visits.

Ordering the preparation of a forensic custody evaluation into the circumstances and condition of the children and of the home of any person seeking managing conservatorship or possession of the children.

Ordering Counter-Respondent ANNE GEORGULAS to pay child support and carry medical insurance for the children and provide current insurance cards and information.

Ordering the parties to participate in co-parenting courses and counseling as the Court deems appropriate under the circumstances.

Ordering the parties to mediate with a qualified family law mediator.

Ordering Counter-Respondent ANNE GEORGULAS to produce income information pursuant to 154.063 of the Texas Family Code.

Ordering Counter-Respondent ANNE GEORGULAS to execute any releases required for obtaining medical and psychiatric records.

Ordering 12 panel nail drug testing of the minor children to ascertain what medications they have been given in the past calendar year.

Awarding Counter-Petitioner JEFFREY DAMON YOUNGER reasonable interim attorney's fees.

X.
DALLAS COUNTY STANDING ORDERS

10.01 A true and correct copy of the Dallas County Standing Order Regarding Children, Pets, Property and Conduct of Parties is attached hereto as Exhibit "A" and incorporated by reference herein.

XI.
PRAYER

11.01 WHEREFORE, ALL PREMISES DULY CONSIDERED, Counter-Petitioner JEFFREY DAMON YOUNGER prays that citation and notice issue as required by law. Counter-Petitioner JEFFREY DAMON YOUNGER prays that, upon hearing, the Court enter a modifying order in accordance with the foregoing allegations pursuant to the Texas Family Code, and for general relief.

Respectfully submitted,

ODENEAL & ODENEAL ATTORNEYS

By 
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Attorney for Respondent
JEFFREY DAMON YOUNGER

CERTIFICATE OF SERVICE

Copies of the foregoing pleading were delivered to Petitioner ANNE GEORGULAS through her Attorney of Record KIM M. MEADERS, Palmer & Manuel, PLLC, 8350 North Central Expressway #1111, Dallas, Texas 75206, via E-Serve and fax (214) 891-7071, pursuant to Rule #21(a) of the Texas Rules of Civil Procedure, on this the 7th day of May, 2018.


Logan Odeneal

DALLAS COUNTY FAMILY DISTRICT COURT
GENERAL ORDERS
(Revised January 5, 2017)

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

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Dallas County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship filed in Dallas County. The District Courts of Dallas County giving preference to family law matters have adopted this order because the parties, their children and the family pets should be protected and their property preserved while the lawsuit is pending before the court. Therefore, it is **ORDERED**:

1. **NO DISRUPTION OF CHILDREN.** All parties are **ORDERED** to refrain from doing the following acts concerning any children who are subjects of this case:
 - 1.1 Removing the children from the State of Texas for the purpose of changing residence, 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 parents 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 regarding the other party in the presence or within the hearing of the children.

2. **PROTECTION OF FAMILY PETS OR COMPANION ANIMALS.** All parties are **ORDERED** to refrain from harming, threatening, interfering with the care, custody, or control of a pet or companion animal, possessed by a person protected by this order or by a member of the family or household of a person protected by this order.

3. **CONDUCT OF THE PARTIES DURING THE CASE.** All parties are **ORDERED** to refrain from doing the following acts:
 - 3.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person or in any other manner, including by telephone or another electronic voice transmission, video chat, social media, or in writing, or electronic messaging, with intent to annoy or alarm the other party.
 - 3.2 Threatening the other party in person or in any other manner, including, by telephone or another electronic voice transmission, video chat, social media, or in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.
 - 3.3 Placing one or more telephone calls or text messages, at an unreasonable hour, in an

offensive or repetitious manner, without a legitimate purpose of communication, or anonymously with the intent to alarm or annoy the other party.

- 3.4 Intentionally, knowing or recklessly causing bodily injury to the other party or to a child of either party.
- 3.5 Threatening the other party or a child of either party with imminent bodily injury.

4. 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 intentionally and knowingly doing the following acts:

- 4.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- 4.2 Falsifying a writing or record including an electronic record, relating to the property of either party.
- 4.3 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.
- 4.4 Damaging or destroying the tangible or intellectual 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, including electronically stored or recorded information.
- 4.5 Tampering with the tangible or intellectual property of one or both of the parties, including any document, electronically stored or recorded information, that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 4.6 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real property or intellectual property, and whether separate or community, except as specifically authorized by this order.
- 4.7 Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 4.8 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 Destroying, disposing of, or altering, any financial records of the parties, including canceled checks, deposit slips, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.
- 4.13 Destroying, disposing of, or altering any email, text message, video message, or chat message or social media message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive in a removable storage device, in cloud storage, or in another electronic storage medium.

- 4.14 Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive in a removable storage device, in cloud storage, or in another electronic storage medium.
- 4.15 Deleting any data or content from any social network profile used or created by either party or a child of the parties.
- 4.16 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.
- 4.17 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 4.18 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 4.19 Discontinuing or reducing the withholding for federal income taxes on wages or salary.
- 4.20 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.
- 4.21 Excluding the other party from the use and enjoyment of the other party's specifically identified residence.
- 4.22 Opening or redirecting mail, email or any other electronic communication addressed to the other party.

5. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** "Records" means any tangible document or recording and includes e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts: Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations; falsifying any writing or record relating to the property of either party.

INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts: Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by this order. Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children. Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.

SPECIFIC AUTHORIZATIONS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are specifically authorized to do the following: To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation; To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit; To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care; To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

SERVICE AND APPLICATION OF THIS ORDER. The Petitioner shall attach a copy of this order to the original petition and to each copy of the 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. 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 date of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of the court. This entire order will terminate and will no longer be effective once the court signs a final order.

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.

PARTIES ENCOURAGED TO MEDIATE. The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation or informal settlement conferences (if appropriate), to resolve the conflicts that may arise in this lawsuit.

BOND WAIVED. It is ORDERED that the requirement of a bond is waived.

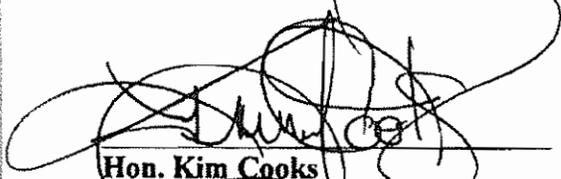
THIS DALLAS COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF PARTIES SHALL BECOME EFFECTIVE ON JANUARY 1, 2017.



Hon. J. Darlene Ewing
Judge, 254th District Court



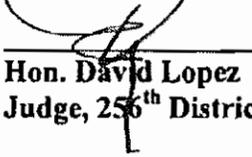
Hon. Mary Brown
Judge, 301st District Court



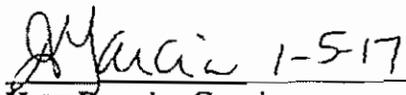
Hon. Kim Cooks
Judge, 255th District Court



Hon. Tena Callahan
Judge, 302nd District Court



Hon. David Lopez
Judge, 256th District Court



Hon. Dennise Garcia
Judge, 303rd District Court



Hon. Andrea Plumlee
Judge, 330th District Court