

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. _____
- 3. _____
- 4. _____
- 5. _____

_____ District Court
 Court Number County Court at Law

Child(ren) _____ County, Texas

Petitioner's Motion for Temporary Restraining Order, Temporary Injunction and Temporary Orders

My name is: _____
 First Middle Last

I am the **Petitioner**, the person who has filed the corresponding Original Suit Affecting Parent Child Relationship, Modification, or Enforcement case, and the person who is asking the Court to issue a temporary restraining order against:

Respondent, _____ (Respondent's full name).

1. Background

On _____ (date), Petitioner filed a suit for:

(Check the box below that applies to petition that you are filing along with this motion, or the case that is currently pending in court.)

- Original Suit Affecting Parent Child Relationship
(Check this option if you are trying to obtain an order for custody, visitation, and child support.)
- Modification of Conservatorship, Possession, or Access
(Check this option if you are trying to change something about your existing custody order.)
- Enforcement of Conservatorship, Possession, or Access
(Check this option if you are trying to make the other parent or conservator follow the existing court order.)

2. Children

I ask the Court to make orders about the following children:

Child's name	Date of Birth	County and State where child lives now
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

3. Other Facts Relevant to the Motion

I have attached a sworn affidavit explaining how above children will suffer immediate and irreparable injury or harm if the Court does not grant this temporary restraining order.

4. Request for Temporary Restraining Order for Children's Safety and Welfare

Petitioner asks the Court to dispense with the issuance of a bond and grant a temporary restraining order without notice to Respondent by immediately restraining Respondent from the following: (Check each option that you are asking the judge to order.)

- Threatening the children with imminent bodily injury. (See Texas Family Code 6.501(a)(5)).
- Causing bodily injury to the children. (See Texas Family Code 6.501(a)(4)).
- Disturbing the peace of the children. (See Texas Family Code 105.001(a)(3)).
- Removing the children beyond a geographic area identified by the Court. (See Texas Family Code 105.001(a)(4)).
- Withdrawing the children from the school or day-care facility where they are presently enrolled without the written consent of Petitioner.
- Hiding or secreting the children from Petitioner.
- Engaging in any criminal activity while the children are in the Respondent's possession.
- Using alcohol or illegal drugs 24 hours prior to or during their possession of the children.

Petitioner further requests that the Court grant the relief below without notice to Respondent to avoid **immediate and irreparable injury or harm to the children** who are the subject of this suit:

(Check option (a) if the children are currently in the Respondent's care and unsafe; check option (b-1) and/or (b-2) if the children are in your care and safe, but Respondent's visitation needs to be temporarily suspended or restricted. If you choose (b-2), then check each additional limitation that you would like to request.)

- (a) Issue an order attaching the bodies of the children and placing the children in the possession of:
- Me, the Petitioner
 - The following person: _____
(Texas Family Code 105.001(c)(1-2)).
- (b-1) Issue an order excluding Respondent from possession of or access to the children until notice can be served and a hearing can be held. Texas Family Code 105.001(c)(3).

(b-2) In the alternative, issue an order that Respondent's possession of or access to the children be limited as follows until notice can be served and a hearing can be held:
(Check each of the following that you are asking the judge to order.)

Excluding Respondent from possession of the children unless supervised by the following person(s):

A person approved in writing by Petitioner

A person approved by the Court: _____

Excluding Respondent from overnight visits with the children.

Any day visits should begin no earlier than _____ a.m. and end no later than _____ p.m.

Respondent may not allow the children to have any contact with the following person(s):

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

THIS TEMPORARY RESTRAINING ORDER WILL ONLY BE IN EFFECT UNTIL NOTICE CAN BE SERVED ON RESPONDENT AND A HEARING CAN BE HELD, AND WILL NOT LAST LONGER THAN FOURTEEN DAYS UNLESS THE COURT EXTENDS IT FOR GOOD CAUSE, OR UNLESS THE RESPONDENT AGREES TO AN EXTENSION. (See Texas Rule of Civil Procedure 680)

5. Request for Temporary Injunction

After notice and a hearing, Petitioner asks the Court to convert the preceding temporary restraining order into a temporary injunction.

6. Request for Temporary Orders for the Children's Safety and Welfare

After notice and a hearing, Petitioner asks the Court to dispense with the necessity of a bond and grant temporary orders for the safety and welfare of the children, including but not limited to the following:

6A. Conservatorship (Custody)

(Check (a) if you do not want to change your existing custody order; check (b) if you are requesting original custody orders or you want to change your existing custody orders. If you check (b), then check whether you want (b-1) joint managing conservatorship, (b-2) sole managing conservatorship and Respondent is a Possessory Conservator or (b-3) you do not want the Respondent to have ANY conservatorship rights at all. Note that the Respondent can have very limited possession and access rights even if they are a possessory conservator. See Texas Family Code 153, Subchapters B-D.)

(a) I am **not** asking the court to make any changes to the current conservatorship (custody) order.

(b) I ask the court to enter temporary conservatorship orders and to name:

(b-1) Petitioner and Respondent as **Temporary Joint Managing Conservators** of the children with the Petitioner having the exclusive right to designate the primary residence of the children within the following geographic area, if any:

This county.

This county or a county adjacent to this county.

Texas.

There should be no geographic restriction.

Other: _____

(b-2) Petitioner as **Temporary Sole Managing Conservator** of the children and Respondent as **Temporary Possessory Conservator** of the children. The Petitioner should have the exclusive right to designate the primary residence of the children without geographic restriction.

(b-3) Petitioner as **Temporary Sole Managing Conservator** of the children. The Court should **not** appoint Respondent as Temporary Possessory Conservator of the children because appointment would not be in their best interest and Respondent's possession and access would endanger the physical or emotional welfare of the children. *(See Texas Family Code §153.191.)* The Petitioner should have the exclusive right to designate the primary residence of the children without geographic restriction.

6B. Possession and Access (Visitation)

Granting the Respondent "standard visitation" (See Texas Family Code Chapter 153, Subchapter F) would be inappropriate and/or unworkable.

Respondent's possession and access to the children should be as follows:

(Check either (a) or (b). If you choose (b), then check each additional limitation that you would like to request.)

(a) Respondent should have **no** right to possession of or access to the children; *or*

(b) Respondent's possession of the children should be restricted as follows:

Respondent's possession should be limited to the following days of the week at the following times:

Exchanges of the children should be in a public place or should be supervised by:

A person approved in writing by Petitioner

A person or agency approved by the Court: _____

Respondent's possession of the children should be supervised at all times by:

A person approved in writing by Petitioner

A person or agency approved by the Court: _____

Respondent may not allow the children to have any contact with the following person(s):

Respondent should be ordered not to use alcohol or illegal drugs 24 hours prior to or during their possession of the children.

Respondent must not engage in any criminal activity during their periods of possession.

Respondent's possession and access to the children should be limited in some other way:

6C. Additional Temporary Orders for the Protection of the Children

(Check only if applicable.)

I am concerned that the Respondent may take the children to another country and refuse to return them. I ask the Court to take all necessary measures under Texas Family Code 153.503 to protect the children because there is a risk of international abduction by the Respondent. Texas Family Code 153.501–503.

Specifically, I request that the Court make the following orders to protect the children:

Ordering that the Petitioner has the exclusive right to apply for and renew passports for the children.

Ordering that the Respondent must give Petitioner any or all of the children's passports that are in Respondent's possession by the following date: _____.

Ordering that the children cannot be taken outside of the United State of America while this case is pending.

Other: _____

6D. Child Support, Medical Support, and Dental Support

(Check (a) if child support does not need to be changed; check (b) if you are filing an original SAPCR and do not yet have child support orders OR if your child support orders need to be changed because a different person is becoming the custodial parent.)

- (a) I am **not** asking the court to make any changes to the current child support order.
- (b) I ask the court to make appropriate orders for the support of the children, including regular child support, medical support, and dental support, and, if supported by the evidence, retroactive child support.

7. Prayer

For these reasons, Petitioner asks that the Court immediately, without notice or a hearing, issue a temporary restraining order and set a hearing on a temporary injunction and temporary orders for the children's safety and welfare.

Respectfully,

Petitioner's Signature	Petitioner's Phone number
→	
Petitioner's Printed Name	Date
Petitioner's Mailing Address:	
	city state zip
Petitioner's Email Address:	
Petitioner's Fax # (if available):	