

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
388TH JUDICIAL DISTRICT COURT

IN THE MATTER OF THE MARRIAGE OF

AND

AND IN THE INTEREST OF:

MINOR CHILD(REN)

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§
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§
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§
§

CAUSE NO. _____

MOTION TO MODIFY JUDGMENT

- AGREED**
 PROPOSED

ON _____, 200__, this cause came on for hearing.

APPEARANCES

MOVANT, _____,

- appeared in person
 appeared in person and by attorney, _____,
 although duly cited, failed to appear.

RESPONDENT, _____,

- appeared in person
 appeared in person and by attorney, _____,
 although duly cited, failed to appear.

AD LITEM(S) Also appearing was:

- Attorney Ad Litem for the child(ren) _____,
 Others: _____,

RECORD

- A record was taken by audio recording/ _____,

PRIOR ORDER: THE ORDER SOUGHT TO BE MODIFIED IS DATED _____,

MODIFICATION IS SOUGHT OF:

- CHILD SUPPORT**
 CONSERVATORSHIP
 POSSESSION / ACCESS
 OTHER: _____

CHILD (REN): The following child(ren) is/are in the subject of this suit:

CHILD SUPPORT

CURRENT ORDER PROVIDES: \$ _____ per _____ beginning _____, 200 ____.

The circumstances of the child or a person affected by the order have materially and substantially changed since the earlier of:

- (A) the date of the order's rendition; or
- (B) the date of the signing of a mediated or collaborative law settlement agreement on which the order is based; or

It has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100.00 from the amount that would be awarded in accordance with the child support guidelines.

RECOMMENDATION:

That child support be set at \$ _____ per _____ beginning _____, 200 ____.

EFFECTIVE DATE: _____ (If other than beginning date)

Accrued Arrearage: \$ _____ payable at \$ _____ per month for _____ months.

An Order for Withholding From Earnings for Child Support is GRANTED.

The Obligor/ Obligee shall provide health and/or dental insurance coverage for the child(ren) and the parties are ORDERED to each pay _____ % of all uninsured health care costs of the child(ren) so long as support is required to be paid under this Order.

All child support payments are to be made to The Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78256-9791.

It is further ordered that the Petitioner and Respondent are both to pay the sum of thirty six (\$36.00) to the El Paso Domestic Relations Office, Room LL108, El Paso County Courthouse as the child support service fee on the _____ day of _____, 200____, and a like sum on the same day and month of each year thereafter.

The party providing health insurance is to provide verification to the El Paso Domestic Relations Office, Room LL108, El Paso County Courthouse, on the _____ day of _____, 200 ____ , and on the same day and month each year thereafter.

If the child qualifies for Medicaid, Medicaid will be acceptable as health coverage and Petitioner / Respondent is ORDERED to enroll the child in Medicaid.

If the child qualifies for the Children's Health Insurance Program (CHIP), Petitioner / Respondent is ORDERED to enroll the child in CHIP. Information regarding CHIP eligibility and enrollment can be obtained in the Domestic Relations Office, El Paso County Courthouse.

The Court finds that health coverage is not available for the child and the obligor is ordered to pay the obligee in addition to periodic child support the sum of \$ _____ per month as medical support for the child.

CONSERVATORSHIP OR POSSESSION AND ACCESS

Current Order appoints: _____,

- Sole Managing Conservator
- Possessory Conservator
- Joint Managing Conservator

MODIFICATION OF ORDER ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS

- The Modification is in the best interest of the child and:
- The circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since the earlier of
 - (A) the date of the rendition of the order; or
 - (B) the date of the signing of the mediated or collaborative law settlement agreement on which the order is based;
- The child is at least 12 years of age and has filed with the court in writing the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child; or
- The conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months.

RECOMMENDATION: _____

- Possession of / access to the minor(s) at reasonable times agreed upon by the parties and failing mutual agreement, the standard provided in Section 153.311 of the Texas Family Code.
- Possession of / access to the minor(s) as follows: _____

MODIFICATION WITHIN ONE YEAR OF ORDER

- The child's present environment may endanger the child's physical health or significantly impair the child's emotional development.
- The person who has the exclusive right to designate the primary residence of the child is the person seeking or consenting to the modification and the modification is in the best interest of the child.
- The person who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child for at least six months and the modification is in the best interest of the child.

TEMPORARY MODIFICATION OF CONSERVATORSHIP

- The order is necessary because the child’s present child’s present circumstances would significantly impair the child’s physical health or emotional development;**
- The person designated in the final order has voluntary relinquished the primary care and possession for more than 6 months and a temporary order is in the best interest of the child; or**
- The child is 12 years of age or older and has filed with the court in writing the name of the person who is the child’s preference to have the exclusive right to designate the primary residence of the child and the temporary order designating that person is in the best interest of the child.**
- RECOMMENDATION:** _____

- Possession of / access to the minor(s) at reasonable times agreed upon by the parties and failing mutual agreement, the standard provided in Section 153.311 st seq. Texas Family Code.**
- Possession of / access to the minor(s) as follows:** _____

INJUNCTIONS

- that a permanent injunction be granted against the MOVANT enjoining as follows:**
- that a permanent injunction be granted against the RESPONDENT enjoining as follows:**
 - a. **from harming, annoying, molesting, threatening or injuring each other or the child(ren) of the parties;**
 - b. **from making derogatory remarks to or about the other party, or discussing this case with the child(ren), allowing the children to be present during such remarks or discussions, or allowing anyone to do so.**
 - c. **Arguing with the other party in the presence of the child(ren), or allowing any other person to do so;**
 - d. **Passing messages to the other party through the child(ren);**
 - e. **From removing the child(ren) from El Paso County, Texas, for the purposes of changing the child’s(ren)’s residence, without the express written permission of this court or the other party with temporary visits outside the Court’s jurisdiction for purposes of business / pleasure excepted; and**
 - f. **From consuming any alcoholic beverages or illegal drugs 8 hours before or during any period of possession. APPLICABLE ONLY AS TO PETITIONER / RESPONDNET/ BOTH.**

g. Other orders: _____

ATTORNEY'S FEES / COURT COSTS

- that each party pay his / her own attorney fees
- that MOVANT pay attorney fees
- that RESPONDENT pay attorney fees

to _____ in the sum of \$ _____ in monthly payments of \$ _____
each, beginning _____, 20 ____.

- that each party pay their own court costs
- that MOVANT pay court costs
- that RESPONDENT pay court costs

FINDINGS OF FACT – CHILD SUPPORT

PURSUANT TO SEC. 154.130, TEXAS FAMILY CODE, THE FOLLOWING FINDINGS ARE MADE:

- (1) the monthly net resources of the obligor per month are: \$ _____;
- (2) the monthly net resources of the obligee per month are: \$ _____;
- (3) the percentage applied to the obligor's net resources for child support by the actual order rendered by the Court is _____ %;
- (4) the amount of child support if the percentage guidelines are applied to the portion of the obligor's net resources that does not exceed \$7,500, is \$ _____;
- (5) if applicable, the specific reasons that the amount of support per month ordered by the court varies the amount stated in Subdivision (4) are;
_____ and
- (6) if applicable, the obligor is obligated to support children in more that one household, and:
 - (A) the number of children before the court is _____;
 - (B) the number of children not before the court residing in the same household with the obligor is _____; and
 - (C) the number of children not before the court for whom the obligor is obligated by a court order to support, without regard to whether the obligor is delinquent in child support payments, and who are not counted under Paragraph (A) or (B) is _____.

ADDITIONAL ORDERS:

SCHEDULED DATES The following schedule is **ORDERED** to be followed in this cause:

REVIEW /COMPLIANCE HEARING: _____ day of _____, 200__ at _____ a.m./p.m.
ENTRY OF JUDGMENT: _____ day of _____, 200__ at _____ a.m./p.m.

APPROVALS

PURSUANT TO RULE 11, T.R.C.P., PARTIES SIGNATURE OF APPROVAL IS REQUIRED ON ALL AGREED ORDERS.

PURSUANT TO RULE 305, T.R.C.P., ANY PARTY MAY PREPARE AND SUBMIT A PREPARED JUDGMENT TO THE COURT FOR SIGNATURE.

ATTORNEY FOR MOVANT

ATTORNEY FOR RESPONDENT

MOVANT

RESPONDENT

- PROPOSED BY**
- SIGNED & RENDERED:**

388TH ASSOCIATE JUDGE

DATE

- REJECTED,**
- MODIFIED,**
- ADOPTED, by the Referring Court on _____, 200__.**

PATRICIA A. MACIAS
JUDGE PRESIDING

PURSUANT TO TEXAS FAMILY CODE SECTION 201.015, A PARTY MAY REQUEST A DE NOVO HEARING BEFORE THE REFERRING COURT BY FILING WITH THE CLERK OF THE REFERRING COURT A WRITTEN REQUEST NO LATER THAN THE SEVENTH WORKING DAY AFTER THE PARTY RECEIVES NOTICE OF THE SUBSTANCE OF THE ASSOCIATE JUDGE'S REPORT.