

IN THE _____ JUDICIAL DISTRICT COURT OF EL PASO COUNTY, TEXAS

IN THE MATTER OF THE MARRIAGE OF:)

_____)

AND)

_____) NO.: _____

AND IN THE INTEREST OF:)

_____)

_____)

_____,)

FINDINGS OF ASSOCIATE JUDGE ON MOTION TO MODIFY

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

APPEARANCES

MOVANT, _____,

- appeared in person
- appeared in person and by attorney, _____

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 not taken.
- A record was taken by Cara Porter/Cecilia Looney/ _____.

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 the subject of this suit:

FINDINGS - CHILD SUPPORT

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

FINDINGS:

- Material and substantial changes ARE found to exist since rendition of the above-order.
- Material and substantial changes ARE NOT found to exist since rendition of the above-_____ order.

RECOMMENDATION:

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

- 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 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.

FINDINGS - MANAGING CONSERVATORSHIP

Current Order appoints: _____

- Sole Managing Conservator
- Possessory Conservator
- Joint Managing Conservator

MODIFICATION OF SOLE MANAGING CONSERVATOR (Sec. 156.101)

- The circumstances of the child, sole managing conservator, possessory conservator or other _____ party affected by the order have materially and substantially changed since date of rendition; _____ and _____
- The appointment of the new sole managing conservator would be a positive improvement for _____ the child.
- A child 12 years of age or older has filed in writing the child's choice for managing conservator; _____ and _____
- The court finds the appointment is in the best interest of the child.

MODIFICATION OF SOLE MANAGING CONSERVATOR TO JOINT MANAGING CONSERVATOR (Sec. 156.104)

- The circumstances of the child or of the sole managing conservator have materially and _____ substantially changed since rendition of the order;

- Retention of a sole managing conservatorship would be detrimental to the welfare of the child; and
- Appointment of a parent as joint managing conservator would be a positive improvement for and in the best interest of the child.

MODIFICATION OF TERMS AND CONDITIONS OF JOINT MANAGING CONSERVATOR (Sec. 156-202)

- The circumstances of the child or one or both of the joint managing conservators have materially and substantially changed since the rendition of the order; or
- The order has become unworkable or inappropriate under existing circumstances; and,
- A modification of the terms and conditions of the order would be a positive improvement for and in the best interest of the child.

MODIFICATION FROM JOINT MANAGING CONSERVATORSHIP TO SOLE MANAGING CONSERVATORSHIP (Sec. 156.203)

- The child's present living environment may endanger the child's physical health or significantly impair the child's emotional development;
- There has been a substantial and unexcused violation of the terms and conditions in the existing order; or,
- The circumstances of the child or of one or both joint managing conservators have so materially and substantially changed since rendition of the order that it is unworkable or inappropriate; and,
- The appointment of a sole managing conservator would be a positive improvement for and in the best interest of the child.

TEMPORARY MODIFICATION OF CONSERVATORSHIP (Sec. 156.006)

- Temporary** modification is necessary because the child's present living environment may endanger the child's physical health or significantly impair the child's emotional development;
- The managing conservator has voluntarily relinquished the actual care, control 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 old or older and has filed a choice in writing and the temporary order appointing that person is in the child's best interest.

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 et seq, Texas Family Code.
- possession of/access to the minor(s) as follows: _____

- Child support be set at \$_____ per _____ beginning _____, 1996.
- An Order for withholding from Earnings for Child Support is GRANTED. Movant/Respondent, shall provide health 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.

FINDINGS - POSSESSION/ACCESS

Current Order provides: _____

FINDINGS: (SEC. 156.301)

- Material and substantial changes of circumstances ARE NOT found to exist since rendition of the above-order.
- Material and substantial changes of circumstances ARE found to exist since rendition of the above-order.
- The order has become unworkable or inappropriate.
- The notice of change of conservator's residence was not given or the change was a change of residence to a place outside this state; or
- A conservator has repeatedly failed to give notice of an inability to exercise possessory rights.

RECOMMENDATION: _____

Subject to the following limitations and/or restrictions: _____

INJUNCTIONS

- that a permanent injunction be granted MUTUALLY enjoining the parties as follows:
- 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(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 _____.
- 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 _____.

- 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 first \$6,000 of the obligor's net resources is \$ _____;**
- (5) if applicable, the specific reasons that the amount of support per month ordered by the court varies from the amount stated in Subdivision (4) are; _____; and**
- (6) if applicable, the obligor is obligated to support children in more than 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 pay support, without regard to whether the obligor is delinquent in child support payments,**

and who are not counted under Paragraph (a) or (b) is _____

APPROVALS

ATTORNEY FOR MOVANT: _____

ATTORNEY FOR RESPONDENT: _____

PURSUANT TO RULE 11, T.R.C.P., PARTIES' SIGNATURE OF APPROVAL REQUIRED ON AGREED ORDERS:

MOVANT: _____ RESPONDENT: _____

RECOMMENDED BY:

Associate Judge, on _____, _____.

RECEIVED AND SIGNED by the referring Court on _____, _____.

JUDGE PRESIDING

PURSUANT TO T.R.C.P., Rule 305, any party may prepare and submit a proposed judgment to the court for signature. The attorneys in this cause are hereby directed to prepare the proposed judgment and appear on the ____ day of _____, _____, at 9:30 a.m., to enter judgment in this cause.