

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.

There are two Respondents in this case:

Respondent A’s full name is _____.

- I **am** requesting that the Court issue a temporary restraining order against Respondent A.
- I am **not** requesting that the Court issue a temporary restraining order against Respondent A.

Respondent B’s full name is _____.

- I **am** requesting that the Court issue a temporary restraining order against Respondent B.
- I am **not** requesting that the Court issue a temporary restraining order against Respondent B.

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 child(ren):

	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 child(ren) will suffer immediate and irreparable injury or harm if the Court does not grant this temporary restraining order.

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

4A. Temporary Restraining Order for Respondent A, _____
Respondent A's full name

(Check (4A-i) if you do not want a temporary restraining order against Respondent A.
Check (4A-ii) if you are requesting a temporary restraining order against Respondent A, and
Then select each option you are asking the judge to order.)

(4A-i) I am **not** requesting that the court issue a temporary restraining order against Respondent A.

(4A-ii) Petitioner asks the Court to dispense with the issuance of a bond and grant a temporary restraining order without notice to Respondent A by immediately restraining Respondent A from the following: (Check each option that you are asking the judge to order.)

- Threatening the children with imminent bodily injury. (Texas Family Code 6.501(a)(5))
- Causing bodily injury to the children. (Texas Family Code 6.501(a)(4))
- Disturbing the peace of the children. (Texas Family Code 105.001(a)(3))
- Removing the children beyond a geographic area identified by the Court.
(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 Respondent A's possession.
- Using alcohol or illegal drugs 24 hours prior to or during Respondent A's possession of the children.

Petitioner further requests that the Court grant the relief below without notice to Respondent A 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 Respondent A's care and unsafe; check option (b-1), (b-2), or both, if the children are in your care and safe, but Respondent A'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 A from possession of or access to the children until notice can be served and a hearing can be held.

(b-2) In the alternative, issue an order requiring that Respondent A'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 A from possession of the children unless supervised by the following person(s):

A person approved in writing by Petitioner

A person or agency approved by the Court: _____

Excluding Respondent A from overnight visits with the children.

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

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

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

This Temporary Restraining Order will only be in effect until notice can be served on Respondent A 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 the extension. (See Texas Rule of Civil Procedure 680)

4B. Temporary Restraining Order for Respondent B, _____
Respondent B's full name

(Check (4B-i) if you do not want a temporary restraining order against Respondent B; check (4B-ii) if you are requesting a temporary restraining order against Respondent B, and then select each option you are asking the judge to order.)

(4B-i) I am **not** requesting that the court issue a temporary restraining order against Respondent B.

(4B-ii) Petitioner asks the Court to dispense with the issuance of a bond and grant a temporary restraining order without notice to Respondent B by immediately restraining Respondent B from the following: (Check each option that you are asking the judge to order.)

- Threatening the children with imminent bodily injury. (Texas Family Code 6.501(a)(5))
- Causing bodily injury to the children. (Texas Family Code 6.501(a)(4))
- Disturbing the peace of the children. (Texas Family Code 105.001(a)(3))
- Removing the children beyond a geographic area identified by the Court. (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 Respondent B's possession.
- Using alcohol or illegal drugs 24 hours prior to or during Respondent B's possession of the children.

Petitioner further requests that the Court grant the relief below without notice to Respondent B 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 Respondent B's care and unsafe; check option (b-1), (b-2), or both, if the children are in your care and safe, but Respondent B'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: _____
See Texas Family Code 105.001(c)(1-2)

(b-1) Issue an order excluding Respondent B from possession of or access to the children until notice can be served and a hearing can be held.

(b-2) Issue an order requiring that Respondent B'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 B from possession of the children unless supervised by the following person(s):
 - A person approved in writing by Petitioner
 - A person or agency approved by the Court: _____

Excluding Respondent B from overnight visits with the child(ren).

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

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

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

This Temporary Restraining Order will only be in effect until notice can be served on Respondent B 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 the 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(s) into temporary injunction(s).

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 child(ren), including but not limited to the following:

6A. Conservatorship (Custody)

(Check (6A-i) if you do not want to change your existing custody order; check (6A-ii) if you are requesting original custody orders or you want to change your existing custody orders. If you check (6A-ii), then check whether you want (a) joint managing conservatorship with at least one other Respondent, or (b) sole managing conservatorship. Within section (a (joint managing conservatorship)), select which other Respondent or Respondents should also have joint managing conservatorship. If you do not want one Respondent to have joint managing conservatorship, select whether you want that Respondent to be a possessory conservator or have no conservatorship rights at all. Within section (b) (sole managing conservatorship), select whether you want each Respondent to be a possessory conservator or not to have any conservatorship rights at all. Note that either Respondent can have very limited possession and access rights even if they are made a possessory conservator. See Texas Family Code Chapter 153, Subchapters B-D.)

(6A-i) I am **not** asking the court to make any changes to the current conservatorship order.

(6A-ii) I ask the court to enter conservatorship orders or to change the conservatorship order as follows:

Joint Managing Conservatorship

I ask the Court to name the following parties as joint managing conservators:

- Petitioner
- Respondent A, _____
- Respondent B, _____

I ask the Court to name the following parties, if any, as possessory conservators:

- Respondent A, _____
- Respondent B, _____
- The Court should **not** appoint Respondent A, _____, as Possessory Conservator of the child(ren) because appointment would not be in their best interest and Respondent A's possession and access would endanger the physical or emotional welfare of the child(ren). (See Texas Family Code 153.191.)
- The Court should **not** appoint Respondent B, _____, as Possessory Conservator of the child(ren) because appointment would not be in their best interest and Respondent B's possession and access would endanger the physical or emotional welfare of the child(ren). (See Texas Family Code 153.191.)

The Petitioner should have 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: _____

(a) **Sole Managing Conservatorship**

I ask the Court to name the Petitioner as sole managing conservator and the following parties, if any, as possessory conservators:

- Respondent A, _____
- Respondent B, _____
- The Court should **not** appoint Respondent A, _____, as Possessory Conservator of the child(ren) because appointment would not be in their best interest and Respondent A's possession and access would endanger the physical or emotional welfare of the child(ren). (See Texas Family Code 153.191.)
- The Court should **not** appoint Respondent B, _____, as Possessory Conservator of the child(ren) because appointment would not be in their best interest and Respondent B's possession and access would endanger the physical or emotional welfare of the child(ren). (See Texas Family Code 153.191.)

The Petitioner should have the exclusive right to designate the primary residence of the child(ren) without geographic restriction.

6B. Possession and Access (Visitation)

Petitioner asks the Court to enter an order for the Petitioner’s requested relief, described below, as it regards each individual Respondent:

(6B-i) Temporary Visitation for Respondent A, _____

(Check option (a) if Respondent A already has a visitation schedule from a prior court order and you do not want to change it; check option (b) if you want Respondent A to have a standard visitation schedule; check option (c) if you want Respondent A’s visitation to be limited in some way.)

(a) Respondent A’s possession and access to the children should not change and should continue as decreed in the prior court order.

(b) Respondent A should be granted a standard possession order. (See Texas Family Code Chapter 153, Subchapter F)

(c) Granting Respondent A the standard possession order would be inappropriate, unworkable, or both. Respondent A’s possession and access to the child(ren) should be as follows:

(Check (c-1) if you do not want Respondent A to have any visitation with the children, or (c-2) if you want Respondent A’s visitation to be available but restricted. If you choose (b-2), then check each additional limitation that you would like to request.)

(c-1) Respondent A should have **no** right to possession or access to the child(ren); or

(c-2) Respondent A’s possession of the child(ren) should be restricted as follows:

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

Exchanges of the child(ren) 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 A’s possession of the child(ren) should be supervised at all times by:

A person approved in writing by Petitioner

A person or agency approved by the Court: _____

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

Respondent A should be ordered not to use alcohol or illegal drugs 24 hours prior to or during their possession of the child(ren).

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

Respondent A's possession and access to the child(ren) should be limited in some other way:

(6B-ii) Temporary Visitation for Respondent B, _____

(Check option (a) if Respondent B already has a visitation schedule from a prior court order and you do not want to change it; check option (b) if you want Respondent B to have a standard visitation schedule; check option (c) if you want Respondent B's visitation to be limited in some way.)

(a) Respondent B's possession and access to the children should not change and should continue as decreed in the prior court order.

(b) Respondent B should be granted a standard possession order. (See Texas Family Code Chapter 153, Subchapter F)

(c) Granting Respondent B a standard possession order would be inappropriate, unworkable, or both. Respondent B's possession and access to the child(ren) should be as follows:

(Check (c-1) if you do not want Respondent B to have any visitation with the children, or (c-2) if you want Respondent B's visitation to be available but restricted. If you choose (b-2), then check each additional limitation that you would like to request.)

(c-1) Respondent B should have **no** right to possession or access to the child(ren); or

(c-2) Respondent B's possession of the child(ren) should be restricted as follows:

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

Exchanges of the child(ren) 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 B's possession of the child(ren) should be supervised at all times by:

- A person approved in writing by Petitioner
- A person or agency approved by the Court: _____

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

Respondent B should be ordered not to use alcohol or illegal drugs 24 hours prior to or during their possession of the child(ren).

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

Respondent B's possession and access to the child(ren) should be limited in some other way:

6C. Additional Temporary Orders for the Protection of the Child(ren)

(Check only if applicable.)

I am concerned that a Respondent may take the child(ren) 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 child(ren) because there is a risk of international abduction by:

Respondent A, _____

Respondent B, _____
Texas Family Code 153.501–153.503.

Specifically, I request that the Court make the following orders to protect the child(ren):

- Ordering that the Petitioner has the exclusive right to apply for and renew passports for the child(ren).
- Ordering that each Respondent must give Petitioner any or all of the child(ren)'s passports that are in that Respondent's possession by the following date: _____.
- Ordering that the child(ren) cannot be taken outside of the United State of America while this case is pending.
- Other:

6D. Child Support and Medical 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 or sole managing conservator.)

- (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 child(ren), including regular child support and medical 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 child(ren)'s safety and welfare.

Respectfully,

Petitioner's Signature

Phone number

→

Petitioner's Printed Name

Date

Petitioner's
Mailing Address:

city

state

zip

Petitioner's Email Address: _____

Petitioner's Fax (if available): _____