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APPENDIX A

Opinion issued December 20, 2018



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-17-00436-CV

**MONICA NICOLE TOWNSEND, Appellant
V.
ERIK ALLEN VASQUEZ, Appellee**

**On Appeal from the 300th District Court
Brazoria County, Texas
Trial Court Case No. 63976**

OPINION ON REHEARING¹

¹ Appellant Monica Townsend filed a combined motion for rehearing and for en banc reconsideration of our October 18, 2018 opinion and judgment. We deny the motion for rehearing, withdraw the October opinion, and issue this opinion in its stead. The disposition remains the same. Appellant's motion for en banc reconsideration is also denied.

Monica Townsend and Erik Vasquez are the parents of a child, C.V. After their 2012 divorce, a court entered an agreed order that the parents would be C.V.'s joint managing conservators and that Monica would have the exclusive right to determine C.V.'s domicile.

Erik initiated this suit and sought to modify the conservatorship order to grant him the exclusive right to determine C.V.'s domicile. After a bench trial, the trial court granted Erik's requested modification. In four issues, Monica challenges the trial court's actions. We affirm.

Background

Erik and Monica divorced in 2012, and the court entered an agreed custody order providing that C.V.—then almost six years old—would live with Monica and that Erik would exercise standard visitation rights. The order also named both parents as joint managing conservators. It gave Monica the exclusive rights to determine C.V.'s domicile and to direct C.V.'s education and gave both parents the shared right to jointly direct C.V.'s medical and psychiatric care. Monica and either Erik or his relatives would meet at a designated place to transfer C.V. for visitation.

Things changed around 2015, when, according to trial testimony, Monica began refusing to transfer C.V. at the designated place unless a police officer was present. Erik then initiated this suit to change the visitation-transfer location to a

local police department, in accordance with Monica's wish to have a police officer present. Monica counter-petitioned to have Erik's future visitation periods supervised and to be named as sole managing conservator. Erik later amended his petition to seek the exclusive right to determine C.V.'s domicile. Both parents alleged that a material and substantial change in their and C.V.'s circumstances supported a modification. *See* TEX. FAM. CODE § 156.101(a)(1)(A).

By Rule 11 agreement, which was later entered as the court's temporary order, Erik and Monica agreed to the appointment of a licensed psychologist, Dr. Marie Alvarez, to evaluate C.V. and the living situation at each parent's home.

The parties tried the case without a jury. Though the suit was pending before the 300th District Court of Brazoria County, Hon. Randall Hufstetler presiding, the elected judge of the Brazoria County County Court at Law No. 3, Hon. Jeremy Warren, presided over the trial.

At trial, Erik called several witnesses in support of his requested modification. He testified first, explaining that he has remarried and has lived with his new wife and her biological sons for about two years. His parents live in a different home on the same property. His parents help care for C.V. during visitation periods, and C.V. gets along with the other children. Erik's wife takes C.V. to school from time to time too, and the family takes trips and goes fishing together.

Erik testified that until recently his visitation with C.V. generally went well. He helps C.V. with his homework, and he tries to learn about C.V.'s grades. He eats lunch with C.V. at school on occasion. And he enjoys fishing with C.V., watching C.V. play basketball at the YMCA, and going to the movies with C.V.

Erik testified that Monica's and her mother's conduct in 2015 and 2016 changed things. According to Erik, he stopped the school lunch visits because Monica's mother would also show up and chill C.V.'s interaction with him. Monica requested that Erik undergo drug and alcohol testing, and all tests were negative. Though the most recent summer visitation went well, CPS investigated Erik anyway, apparently at Monica's request. He also testified that Monica has been trying to turn C.V. against him—trying to “brainwash” him—and he feared that her efforts would continue absent a custody modification.

Erik admitted, though, that there had been limits to his past involvement. He had not attended any meetings with school personnel to address C.V.'s academic performance² or any of C.V.'s appointments with medical and psychiatric caregivers. He does not know whether C.V. needs to take any medication, though he has noted that no medication comes with C.V. during scheduled visitations, and C.V. has only taken Tylenol during his visits. Erik has not read C.V.'s school or therapy records, though he could have. He also admitted his 2005 and 2006

² C.V.'s school grades lowered during this suit but, closer to trial, and since meeting with school personnel, have started to rebound.

convictions for family violence against Monica. Finally, he admitted that Monica is not a bad mother, she would never intentionally harm C.V., and his only concern about C.V. continuing to live with Monica is her attempt to undermine Erik's relationship with C.V.

Erik's mother, Pauline Moeller, also testified. She picks up C.V. frequently at the visitation exchanges, and C.V. often stays with her on Friday evenings while Erik is still working, before spending the rest of the weekend with Erik and his family. According to Pauline, no medication is sent with C.V. for his visitations. Pauline takes C.V. out to eat, goes to movies with him, and lets him ride a four-wheeler on their property. C.V. seems happy spending time with both her and Erik. C.V. now gets along with Erik's wife's children, though Pauline acknowledged some early tension.

According to Pauline, C.V. once told her of an incident when he saw his mother strip naked while drinking alcohol and smoking. Pauline also described how Erik used to drink alcohol in front of C.V. and how C.V. told her that people drinking in front of him scared him.

Dr. Alvarez, a licensed psychologist, testified that she performed a psychological and custody evaluation of C.V. and his extended families. She conducted several lengthy interviews with C.V., Monica, and Erik, sometimes including C.V. in meetings with one or the other parent.

Dr. Alvarez noted what she called "a lot of inconsistencies in [Monica's] recollection and facts and data that she offers depending on who she is talking to." Monica accused Erik of "being a violent and aggressive individual," and while there were two convictions for family violence in 2005 and 2006, Monica's post-divorce accusations appeared to Dr. Alvarez to be riddled with inconsistencies. Many of Monica's responses were untruthful or, in Dr. Alvarez's professional opinion, intended to deny or mask "problems, pathology, and personality difficulties." Monica's accounts of events often shifted. Dr. Alvarez also thought that Monica underreported personality factors and associated pathology. Dr. Alvarez concluded that Monica likely "has a lot of self-esteem and a lot of low confidence issues" and suffers from some psychopathologies, including frequent untruthfulness; agenda-driven interactions with others; "under-report[ing of] the common faults that the vast majority of the adult population readily admits having"; moderate anxiety; somatization; possible depression; "attention-seeking and dramatic" behaviors; and narcissism. In contrast, according to Dr. Alvarez, Erik "does not have any significant psychological disorders." He demonstrated low levels of "some personality traits of narcissism" and "some personality traits of some obsessive compulsive behaviors," but "nothing reached clinical level," which "was confirmed by all of the evaluation results."

Dr. Alvarez stated that she had confidence in Erik's truthfulness and found that he had no significant psychological disorders, with parenting scores within the normal range. Erik had expressed concern to her over Monica's alcohol and substance abuse and Monica's attempts to sabotage his relationship with C.V. Dr. Alvarez corroborated Erik's concern, concluding that many of C.V.'s statements about his father's "drinking or being mean" or alleged abuse "came directly from" Monica. In Dr. Alvarez's view, Monica was attempting "to influence or alienate [C.V.] from his father by talking to him in ways that will affect" the parent-child relationship. Specifically, Dr. Alvarez opined that Monica's push to have a police officer present at visitation exchanges "is a form of parental alienation." According to Dr. Alvarez, children need healthy relationships with both their parents and alienation attempts can qualify as abuse.

Dr. Alvarez noted positives about C.V.'s home life with Erik. Erik's mother and her husband are involved in C.V.'s life. C.V. behaves better when with his father. C.V.'s relationship with his father has improved over time, and C.V.'s emotional connections to his father and his mother are now equal.

Dr. Alvarez recommended to the court that Erik be given the exclusive right to determine C.V.'s domicile and to direct C.V.'s medical and psychological care, with joint managing conservatorship and standard possession for Monica. The amicus attorney for C.V. joined Dr. Alvarez's recommendations.

Erik's wife, Shannon Vasquez, and his stepfather, Thomas Moeller, also testified in support of Erik's position, noting how happy C.V. is with Erik and his family and how Erik's family has maintained their relationship with C.V. Shannon indicated her willingness to co-parent C.V. with Monica and to participate in counseling to that end.

Monica testified too. She sees many problems with Erik's parenting and visitation periods. For a time, C.V. returned from visitation periods anxious, sad, angry, or aggressive and, according to Monica, even had panic attacks. Monica also expressed concern that C.V. once was bitten by a dog when playing outside near Erik's stepfather's property, but no one notified her or sent her medical records of C.V.'s treatment.

Monica testified that she has taken care of virtually all C.V.'s school, medical, and psychiatric needs over the years. She has helped C.V. as he has improved his school grades and attendance, participating in many meetings with C.V.'s school counselors while Erik has not. C.V. has received therapy also because he saw Erik physically assault Monica in the past. Monica also takes C.V. to a therapist for PTSD, anxiety, ADHD, skill-building, and learning difficulties. Monica explained that C.V. will lose access to these services if he moves from Fort Bend County, where she lives, to Brazoria County, where Erik lives. Monica

testified that she has completed three parenting classes in connection with this suit and has used what she learned in parenting C.V.

Monica explained that she began requiring a police presence at visitation transfers because some of Erik's family would be "aggressive" toward her at the exchange or at her job. And though she requested that Erik be tested for drugs and alcohol during his visitation periods, Monica acknowledged that the tests were negative and that she is no longer concerned about C.V.'s safety with Erik. Notwithstanding C.V.'s past concerns about Erik's wife and the other children, C.V. more recently has expressed contentment to Monica about staying with his father. Monica admitted that C.V. loves and gets along well with Erik and his family. She also admitted to surreptitiously recording C.V.'s phone calls with his father.

Monica's mother also testified, and she acknowledged that C.V. loves Erik, that C.V. increasingly looks forward to seeing Erik, and that C.V. comes back to Monica a happy child after visits with Erik.

At the end of the trial, Judge Warren orally pronounced "the Court's ruling" in open court. He granted Erik's first amended petition and his requested modification, allowing Erik to determine C.V.'s primary residence within Brazoria County or contiguous counties but granted no other exclusive rights because he wanted Monica and Erik "to get along and work with [C.V.] for his best interest."

He appointed both Monica and Erik as joint managing conservators. He granted Monica a standard possession order or the alternative times, if elected, under Family Code section 153.317. He terminated Erik's child-support-payment obligation and ordered Monica to pay \$230 per month in child support and \$61 per month in medical reimbursement, as recommended by counsel for the Attorney General. He ordered visitation pick-ups and drop-offs during the school year to take place at the school and other pick-ups and drop-offs to take place at a gas station that is equidistant from Monica's and Erik's homes. He ordered Monica to pay attorney's fees and the amicus attorney's fees. And he found that all these orders were in C.V.'s best interest.

He then asked the parties whether he had forgotten anything. Monica's counsel responded, "No, your Honor," and the other attorneys present answered similarly. Judge Warren concluded by describing his rulings as "an order that I have rendered today, and it is effective now, 2:05 p.m., February 8th, 2017," and setting an entry date for the judgment, telling Erik's counsel to "give it to me whenever you can give it to me to sign, but it's effective today."

A minute entry was made on the docket for February 8, 2017, stating:

Continue trial All counsel and parties present. Further evidence presented. Ruling: parents JMC, father with right to designate residence in Brazoria or contiguous counties, mother gets SPO, pay CS \$230 month begin 03/01/17, pay \$61 medical support; all rights and duties under the Family Code; standard mutual injunctions.

Father's CS obligation terminates 02/28/17. Mother ordered to pay \$15,173.78 in atty fees and \$1,387 to Amicus. Entry set 03/10/17. JW

On March 13, 2017, the final order adjudicating Monica's and Erik's competing claims was entered and was signed by Judge Hufstetler. The substance of the order conformed to Judge Warren's in-court pronouncements.

On appeal, Monica challenges the modifications awarding Erik the exclusive right to determine C.V.'s primary residence and granting her only standard possession.

Jurisdiction Relating to Sharing of Judicial Duties in Same District Court

Appellate courts have an obligation to consider their jurisdiction even if not raised by the parties. *Malone v. PLH Grp.*, No. 01-17-00618-CV, 2018 WL 5796742, at *1 (Tex. App.—Houston [1st Dist.] Nov. 6, 2018, no pet. h.) (op.). This court issued its opinion in *Malone* after we issued the initial opinion in this appeal. *Malone* concerned appellate jurisdiction when “the parties engaged in a non-jury trial, one trial judge heard all the contested evidence, and another judge signed the final judgment.” *Id.* Neither party in this appeal had raised a jurisdictional challenge based on Judge Hufstetler's signing the final order despite not hearing the trial evidence, so we asked the parties to file supplemental briefs on the issue. Supplemental briefing is now completed, and we conclude that we have jurisdiction to decide the merits of this appeal.

“The rules of practice and procedure in civil district court allow judges to exchange courts and transfer cases from one court to another.” *Id.* (quoting *Masa Custom Homes, LLC v. Shahin*, 547 S.W.3d 332, 335 (Tex. App.—Dallas 2018, no pet.)). They also permit one judge to hear part of a case and another judge to complete the case. *Id.* (citing *Masa Custom Homes*, 547 S.W.3d at 335).

A narrow exception exists when one judge presides over the entire bench trial and another judge, who heard no evidence, renders the final judgment in a case based on disputed facts. *See id.* at *2; *Masa Custom Homes*, 547 S.W.3d at 335–36; *W.C. Banks, Inc. v. Team, Inc.*, 783 S.W.2d 783, 785–86 (Tex. App.—Houston [1st Dist.] 1990, no writ). In such an instance, the judgment rendered by the judge who heard no evidence is void, and an appellate court asked to review that judgment is without jurisdiction to decide the merits of the appeal. *See Malone*, 2018 WL 5796742, at *2; *Masa Custom Homes*, 547 S.W.3d at 338.

A rendition of judgment “occurs when the judge’s decision is officially announced, either orally in open court or by signed memorandum filed with the clerk.” *W.C. Banks*, 783 S.W.2d at 785. “After the court has rendered judgment, the subsequent reduction of the rendered judgment to a writing signed by the court is a purely ministerial act” and does not result in a void judgment that would deprive the appellate court of jurisdiction. *Id.*

Our jurisdiction thus turns on whether Judge Warren's statements in open court at the end of trial were a rendition of judgment. If they were not, then only the later-written final modification order, signed by Judge Hufstetler, was the final judgment in the case, and that judgment would be void because Judge Hufstetler did not hear any of the trial evidence and because the order resolved disputed facts.

We conclude that Judge Warren's statements in open court at the end of trial were a rendition of judgment, allowing us to exercise jurisdiction to determine the merits of this appeal. The reasoning of *W.C. Banks* is instructive. In *W.C. Banks*, Team sued Banks on a note, and, before trial, the court granted an interlocutory judgment against Banks on liability only. 783 S.W.2d at 784. The case proceeded to a bench trial before Judge Martinez, a visiting judge, who took the case under advisement without rendering judgment. *Id.* Later, an unsigned docket entry was made, stating, "Judgment for Plaintiff rendered this day. Orders to follow." *Id.* Still later, the incumbent presiding judge of the court in which the case was pending, Judge Cochran, signed a final judgment in Team's favor. *Id.*

Banks challenged the judgment on appeal, contending that Judge Martinez never rendered judgment in the case, despite being the only judge to hear any of the trial evidence; the unsigned docket entry was insufficient to serve as a rendition of judgment; and the later-signed final judgment was therefore the only rendition

of judgment in the case. *Id.* at 784–85. Because Judge Cochran had not heard any of the trial evidence, Banks argued that the signed final judgment was void. *Id.*

This court agreed with Banks. The parties did not dispute that Judge Martinez had not announced a judgment in open court and that no memorandum of any judgment by Judge Martinez had been filed with the clerk. *Id.* at 785. The court also reasoned that the unsigned docket entry was not a rendition of judgment because there was no “evidence that the unsigned docket entry was made by Judge Martinez or at his direction” and because the docket entry did not resolve the issues of damages and attorney’s fees that remained in the case after the interlocutory judgment on liability. *Id.* Therefore, the docket entry did not “declare the court’s decision on any, much less all, of the matters that remained at issue after the interlocutory judgment was rendered.” *Id.*

Judge Warren’s statements in open court were a rendition of judgment. He granted Erik’s amended petition and awarded him the custody modifications that he sought. This impliedly denied Monica’s requested modifications, which were mutually exclusive of what Erik sought. Judge Warren’s statements also addressed all the matters that remained at issue in the case. *See id.* Judge Warren said that he was announcing “the Court’s ruling”; the record refers to his statements as the “Judge’s Rendition”; and, when he asked the parties whether he had forgotten anything, all the parties, including Monica through her counsel, answered that he

had not. In the docket minute entry describing the rendition of judgment, the initials “JW,” presumably referring to Judge Jeremy Warren, were included, distinguishing this case from *W.C. Banks*. On this record, we conclude that Judge Warren orally rendered judgment and that that judgment was memorialized in writing as a ministerial act by Judge Hufstetler, allowing us to exercise jurisdiction to determine the merits of the appeal. *See id.*

Objection to Referral to Associate Judge

The trial on the merits of a Family Code section 156.101 modification proceeding may be referred to an associate judge unless a party objects to the referral in writing. *See* TEX. FAM. CODE § 201.005(b). In her first issue, Monica contends that her written, pre-trial objection to an associate judge precluded the judge of the Brazoria County County Court at Law No. 3 from presiding over the trial on the merits. Monica’s contention turns on whether the judge of the County Court at Law No. 3 is an “associate judge,” a term that is undefined in the Family Code.

Section 201.001 of the Family Code governs the appointment of associate judges. Generally, an associate judge is appointed by the district or county court judges whom the associate judge will assist. *See id.* § 201.001(a)–(e) (providing circumstances under which associate judge may be appointed); *id.* § 201.007(a)–(e) (providing powers that associate judge exercises, for example, conducting

hearings and hearing evidence). Associate judges are compensated as determined by the county commissioners' court (or courts) from the county (or counties) whose judges the associate judge serves. *See id.* § 201.003(a)–(d). Associate judges are not elected. They do not have their own courts; they assist duly elected judges. And associate judges' "employment" is terminable "at the will of" or "by a majority vote of" the judge or judges whom the associate judge serves. *See id.* § 201.004(a)–(d).

In contrast, the judgeship for the County Court at Law No. 3 is created by Government Code section 25.0221(3). A person attains this judgeship either by election or by appointment in the event of a vacancy. *See generally* TEX. CONST. art. V, § 30 (requiring all "Judges of all Courts of county-wide jurisdiction heretofore or hereafter created by the Legislature" to be elected); TEX. GOV'T CODE § 25.0009(a)–(c) (providing for appointment of county court at law judges in event of vacancy); *cf. Fashing v. El Paso Cty. Democratic Exec. Comm.*, 534 S.W.2d 886, 888–90 (Tex. 1976) (applying Texas Constitution article V, section 30, in suit concerning county courts at law). A county court at law judge exercises certain powers specific to that office. *See* TEX. GOV'T CODE § 25.0004(a)–(g). The judge is compensated by the county commissioners' court, subject to a statutory compensation floor. *See id.* § 25.0005(a), (d). And the judge may be "removed from office" only under certain conditions and through certain procedures. *See*

TEX. CONST. art. V, § 1-a(6) (governing removal of county judges from office); TEX. GOV'T CODE § 25.0006(b) (providing for removal of county court at law judges from office “in the same manner and for the same reasons as a county judge”). The Brazoria County County Court at Law No. 3 exercises the jurisdiction conferred on it by Government Code sections 25.003 and 25.0222, which includes jurisdiction over family-law cases.

A referral usually confers on an associate judge the power to hear a trial on the merits of a modification suit pending before a district court. *See generally* TEX. FAM. CODE §§ 201.005–.007. In contrast, a county court at law judge may hear a trial on the merits of a modification suit pending before a district court under an independent grant of authority—one that does not require a referral. *See* TEX. GOV'T CODE § 74.094(a); *Camacho v. Samaniego*, 831 S.W.2d 804, 811 (Tex. 1992) (remarking that Government Code section 74.094(a) “allow[s] a statutory county court judge to hear, determine, and sign a judgment in a matter pending in district court outside his court’s jurisdiction without transferring the case”). Section 74.094(a) empowered the judge of the County Court at Law No. 3 to preside over the trial of this suit.

Comparing the provisions that create, empower, compensate, and govern termination of associate judges to the analogous provisions for the judge of the County Court at Law No. 3, we hold that a county court at law judge who sits for a

district-court judge is not an “associate judge” as contemplated by Family Code section 201.005. The two offices are governed by distinct provisions. And the judge here could hear the bench trial on the merits under Government Code section 74.094(a), without need of the authority contemplated by the Family Code’s referral-unless-objected-to provisions.

Monica argues that the “case should have been tried by the referring judge rather than the associate judge. The associate judge lacked jurisdiction.” We do not consider this to be a challenge to the 300th District Court’s jurisdiction over this suit. That court undisputedly had jurisdiction over this family-law case. *See* TEX. GOV’T CODE §§ 24.601, 24.608. The suit was filed in, and was never transferred out of, the 300th District Court. Government Code section 74.094(a) empowered the judge of the County Court at Law No. 3 to preside over the trial while the suit was still pending before the 300th District Court.

We therefore overrule Monica’s first issue.

Rule of Civil Procedure 306

In her second issue, Monica contends that the trial court’s modification order fails to comply with Rule of Civil Procedure 306. Rule 306 requires that a judgment “state the specific grounds for termination or for appointment of the managing conservator” if the suit is one either “for termination of the parent-child relationship or a suit affecting the parent-child relationship filed by a governmental

entity for managing conservatorship.” TEX. R. CIV. P. 306. This suit is neither. We therefore overrule Monica’s second issue.

**Order Modifying Conservatorship—C.V.’s
Best Interest and Evidence Sufficiency**

Monica also challenges the trial court’s decision to grant Erik the exclusive right to determine C.V.’s residence within Brazoria County and contiguous counties. In her third issue, Monica contends that the trial court abused its discretion in making a modification that is not in C.V.’s best interest. In her fourth issue, Monica contends that the modification was an abuse of discretion because the evidence is legally and factually insufficient. We consider the two issues together, given the standard of review and applicable law.

I. Standard of review and applicable law

A trial court’s order modifying the parent-child relationship is reviewed for an abuse of discretion. *Stamper v. Knox*, 254 S.W.3d 537, 542 (Tex. App.—Houston [1st Dist.] 2008, no pet.). Such an order will be disturbed only when it is clear that the court acted in an arbitrary or unreasonable manner, without reference to any guiding principles. *Id.*

Under the abuse-of-discretion standard applicable to orders modifying the parent-child relationship, legal and factual sufficiency are not independent grounds of error but are relevant factors in assessing whether the trial court abused its discretion. *Id.* Review in this context is two-pronged: a reviewing court determines

whether the trial court (1) had sufficient information on which to exercise its discretion and (2) erred in applying its discretion. *Id.* Traditional sufficiency review comes into play under the first prong. *Id.*

To determine legal sufficiency of the evidence, a reviewing court determines whether the evidence would enable reasonable people to reach the judgment being reviewed. *Id.* The reviewing court must consider the evidence in the light most favorable to the trial court's decision and indulge every reasonable inference that would support it. *See Epps v. Deboise*, 537 S.W.3d 238, 242–43 (Tex. App.—Houston [1st Dist.] 2017, no pet.). The reviewing court considers favorable evidence that a reasonable factfinder could consider and disregards contrary evidence unless a reasonable factfinder could not disregard it. *Stamper*, 254 S.W.3d at 542. If the evidence allows for only one inference, the reviewing court may not disregard it. *Epps*, 537 S.W.3d at 243.

To determine factual sufficiency, a reviewing court considers all of the evidence that either supports or contradicts the factfinder's determination. *Id.* The factfinder's finding is set aside only if the evidence supporting it is so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. *See id.* The reviewing court may not simply substitute its judgment for the factfinder's; the factfinder is the sole judge of the witnesses' credibility and the weight to be given their testimony. *Id.*

In a bench trial, the trial court, as the trier of fact, is the sole judge of the witnesses' credibility and the weight to be given their testimony. *Hatteberg v. Hatteberg*, 933 S.W.2d 522, 530 (Tex. App.—Houston [1st Dist.] 1994, no writ). The trial court may choose to believe some witnesses over others. *Martinez v. Lopez*, No. 01-09-00951-CV, 2011 WL 2112806, at *4 (Tex. App.—Houston [1st Dist.] May 26, 2011, no pet.) (mem. op.).

Once the evidence is reviewed in the proper legal- and factual-sufficiency contexts under the first prong, a reviewing court considers under the second prong whether the trial court erred in applying its discretion because it made an unreasonable decision. *Stamper*, 254 S.W.3d at 542. Ultimately, there is no abuse of discretion as long as some evidence of a substantive and probative character exists to support the trial court's decision. *Id.*

A trial court may modify the terms of a conservatorship order if the party requesting the modification shows both that there has been a material and substantial change warranting the modification since the date of the last conservatorship order and that the modification is in the child's best interest. *See* TEX. FAM. CODE § 156.101(a); *Epps*, 537 S.W.3d at 243. The child's best interest is the court's primary consideration. TEX. FAM. CODE § 153.002.

A non-exhaustive list of factors guides a reviewing court about the child's best interest. *Epps*, 537 S.W.3d at 243. Those factors are (1) the child's desires,

(2) the child's emotional and physical needs now and in the future, (3) the emotional and physical danger to the child now and in the future, (4) the parental abilities of the individuals seeking custody, (5) the programs available to assist these individuals to promote the child's best interest, (6) the plans for the child by the individuals seeking custody, (7) the stability of the home or proposed placement, (8) the parent's acts or omissions that may indicate that the existing parent-child relationship is not a proper one, and (9) any excuse for the parent's acts or omissions. *Id.*

II. Legally and factually sufficient evidence exists, giving the trial court sufficient information on which to exercise its discretion

First, we review the evidence under each of the nine factors that guide review of a best-interest finding. We use the factors to determine whether legally and factually sufficient evidence supports the trial court's ruling.

A. C.V.'s desires

C.V. did not testify, and no witness testified that C.V. has expressed a custody preference. Several witnesses offered testimony that supports a determination that C.V., at a minimum, has no objection to his father having custody. Erik, Pauline, and Shannon described how C.V. gets along well with his extended paternal family. Monica agreed that the paternal familial relationships were good. Monica's mother, too, admitted that C.V. loves Erik, that C.V. increasingly looks forward to seeing Erik, and that C.V. comes back to Monica a

happy child after visits with Erik. C.V. enjoys activities with his father, including playing outside, fishing, and going to movies. Notwithstanding Monica's stated concerns about C.V. living with Shannon and her children, Monica admitted that C.V. has expressed interest in staying with Erik, that C.V. has fun around Erik, and that things are better between C.V. and Shannon now. Finally, Dr. Alvarez concluded that C.V. is equally emotionally connected to both parents.

In response, Monica asserts that C.V. told Dr. Alvarez that he wants to keep living with Monica. She offers no record support for that assertion, and we find none. In fact, Monica testified that she is not aware of anyone having asked C.V. who he wanted to live with. Monica references Dr. Alvarez's testimony about C.V.'s therapist's deposition. Dr. Alvarez noted that, during a drawing exercise with the therapist, C.V. was asked which of two barns a horse should go in, understanding that the horse could not stay in both barns. One barn said "Mom" and the other "Dad." C.V. chose the "Mom" barn. Finally, Monica points to a statement made by the therapist during her deposition that C.V. "is worried about having to live with his dad if that were to be the case, that he wants to stay with his mom."

The trial court could have discounted the drawing exercise and deposition statement by C.V.'s therapist for at least two reasons. First, Dr. Alvarez reviewed

this information and still recommended that C.V. live with Erik. Second, Monica has, according to Dr. Alvarez, alienated C.V. from his father.

We conclude that this factor is neutral.³

B. C.V.'s emotional and physical needs now and in the future

Much of the trial concerned Monica's efforts to alienate C.V. from Erik and the resulting emotional harm to C.V. Based on interviews with C.V., Monica, and Erik, Dr. Alvarez noted "an attempt by Ms. Townsend to influence or alienate [C.V.] from his father by talking to him in ways that will affect" the father-son relationship. Both Erik and Dr. Alvarez were concerned by Monica's behavior.

Dr. Alvarez concluded that many of Monica's allegations against Erik after the 2012 custody order—allegations of physical abuse against Monica and improper drinking around C.V.—were too riddled with inconsistencies to be true. Monica caused Erik to be subjected to drug and alcohol testing, he passed the tests, and the tests were discontinued. Monica admitted that Erik has since quit drinking

³ Monica also asserts that "Family Code 153.008 allows [a] child 10 years of age or older to state a preference for managing conservator." That statute was repealed in 2009, however, before this suit was filed. See Act of May 29, 2009, 81st Leg., R.S., ch. 1113, § 31, 2009 TEX. GEN. LAWS 3056, 3072; Act of May 29, 2009, 81st Leg., R.S., ch. 1118, § 10, 2009 TEX. GEN. LAWS 3078, 3082. The current statute, Family Code section 153.009, allows, but does not require, a court to interview in chambers children under 12 years of age to determine the child's living preference. C.V. was 10 years old at the time of trial. There is no record of any such interview in the record before us.

around C.V. and that she no longer worries that C.V. is unsafe with Erik because of drug or alcohol abuse.

Dr. Alvarez testified that Monica's attempted alienation and untruthfulness supported her conclusion that C.V. was better off living with his father and that Monica should have a standard possession order. The amicus attorney for C.V. agreed.

Monica responds by pointing out her past care and support for C.V. throughout his entire life, including as it relates to school activities, medical care, and psychiatric care. She has been C.V.'s primary caregiver, and C.V. is attached to her. But C.V. is likewise attached to Erik, who has expressed his willingness and desire to assume the primary role in caring for C.V. Erik also has the support of his other family members.

In her motion for rehearing, Monica points to C.V.'s personal therapist's deposition, which she argues undercuts Dr. Alvarez's and the trial court's conclusion that she was an alienating parent. Specifically, she points to the therapist's testimony about Monica's decision to keep C.V. in personal therapy and the therapist's inability to recall C.V. saying anything negative about Erik. But, in reaching her conclusions, Dr. Alvarez reviewed this therapist's deposition and spoke with the therapist. Dr. Alvarez nevertheless concluded that C.V. was better off living primarily with Erik, noting that the therapist "never attempted to reach

out to” Erik or “understand an entirely new set of historical facts and information” that he could have provided for context, if asked. In light of this, and in light of the amicus attorney’s joining Dr. Alvarez’s recommendations, the trial court was within its rights to believe Dr. Alvarez and to discount contrary testimony. *See Epps*, 537 S.W.3d at 243; *Martinez*, 2011 WL 2112806, at *4; *Hatteberg*, 933 S.W.2d at 530.

This factor favors Erik.

C. Emotional and physical danger to C.V. now and in the future

Dr. Alvarez’s testimony about Monica’s attempt to alienate C.V. from his father—which Dr. Alvarez noted some psychologists consider child abuse—suggests emotional danger to C.V. now and in the future if C.V. were to continue living primarily with Monica. Dr. Alvarez testified that children’s psychological development “is negatively impacted and developed by parents that work to alienate the [child] from one parent.” She opined that Monica’s explanation to C.V. about the need for a police presence at visitation exchanges created a psychological framework that communicated to C.V. that Monica was “so afraid of Mr. Vasquez that they can’t meet at any other place. And that is a form of parental alienation trying to influence the relationship between [C.V.] and his father by presenting Mr. Vasquez as an abusive monster.” There is record evidence that would support the inference that Monica feared Erik due to his past physical aggression with her. Erik

had been convicted twice of domestic abuse against her before C.V.'s birth, and Monica testified that C.V. had witnessed his parents in a physical altercation. But Monica did not take the position at trial that the police presence was necessary because she feared Erik. Instead, she explained that she had asked for custody exchange at the police station because Erik's family had acted aggressively toward her at prior exchanges. Erik himself rarely was present for the exchanges.

Moreover, Monica testified that she does not believe that Erik puts C.V. in danger or that his visitations need to be supervised. In her report, Dr. Alvarez detailed a history of inconsistencies in Monica's communications to others about whether Erik had ever hurt C.V.:

Additional inconsistencies in Ms. Townsend's historical accounts include telling the Fort Bend Women's Center in June 2012 that [C.V.] was emotionally and psychologically abused by his father, but denying any physical abuse or violence towards him. At a later date, Ms. Townsend denied that [C.V.] was abused at all by his father to [another psychologist] in September 2014, but in February 2015 to CPS, Ms. Townsend alleged that Mr. Vasquez choked Christopher when he was a younger child.

Thus, Monica's explanation to C.V. about the need for police presence, as discussed by Dr. Alvarez, was not consistent with Monica's explanation to the court, and the trial court could have reasonably concluded that it supported Dr. Alvarez's suggestion of parental alienation.

Monica also suggests that statements by C.V. to his therapist show that he has been afraid of Erik, feels unsafe in Erik's home, and has been mistreated by

Shannon. Dr. Alvarez testified that Monica suggested these fears to C.V. to alienate him from his father. The trial court, as sole judge of witness credibility in this bench trial, was entitled to believe Dr. Alvarez on this topic. *See Epps*, 537 S.W.3d at 243; *Martinez*, 2011 WL 2112806, at *4; *Hatteberg*, 933 S.W.2d at 530.

This factor favors Erik.

D. Erik's and Monica's parental abilities

Monica has been C.V.'s primary caregiver his whole life. C.V. has not lived with Erik for most of his life. Monica is involved in C.V.'s schooling and improving his grades. She has borne the greater share of taking care of C.V.'s medical needs. Erik has been largely absent from those efforts. During this suit, Monica also completed several parenting classes and testified that she has used what she learned to improve her parenting.

Dr. Alvarez compared Erik's and Monica's parental abilities by performing personality testing and parental testing on both parents. Both parents took a Personality Assessment Inventory. This allowed Dr. Alvarez to consider both parents' truthfulness. Erik's responses in this inventory gave Dr. Alvarez "more confidence in describing" what the later parental-test results would show "because he was truthful and did not score in the clinical range on the validity scale." But Monica "responded in a way that was not truthful," undermining any confidence that Dr. Alvarez would otherwise have in Monica's parental-test results. Monica

frequently denied or masked “problems, pathology, and personality difficulties.” According to Dr. Alvarez, Monica suffers from some psychopathologies, including frequent untruthfulness, agenda-driven interactions with others, “under-report[ing of] the common faults that the vast majority of the adult population readily admits having,” moderate anxiety, somatization, possible depression, “attention-seeking and dramatic” behaviors, and narcissism. But Erik has no “significant psychological disorders,” save for some traits of narcissism and obsessive-compulsive behaviors.

Erik’s Parent Awareness Skills Survey and Parent-Child Relationship Inventory scores were within the normal range, according to Dr. Alvarez, although he needed to improve encouraging autonomy in C.V. In contrast, Monica’s responses to the Personality Assessment Inventory suggested that she “was not truthful.” Therefore, Dr. Alvarez could not have complete confidence in Monica’s results on the later parental-test results. Dr. Alvarez also opined that C.V. behaves better when with Erik.

In her report, Dr. Alvarez concluded that Erik “has more awareness of critical parent/child issues, better overall ability to developmentally appropriate language, and a better ability to consider how the child feels given the parenting situation” but that Monica “exhibited better ability to integrate information in order to parent in a variety of situations/conditions.”

Based on Dr. Alvarez's testimony, which we are to presume the trial court credited because it supports the trial court's judgment, we conclude that this factor slightly favors Erik.

E. Programs available to assist Erik or Monica in promoting C.V.'s best interest

Monica has ensured that C.V. received therapy for several years, and she has regularly attended meetings with school personnel to address C.V.'s low-but-improving school performance. Therapy has helped C.V. address concerns about his interactions with Shannon and her children. It also has helped C.V. work through issues relating to PTSD, anxiety, ADHD, and learning difficulties. Living with Erik outside of Fort Bend County will preclude C.V. from using the same therapist's services because that therapist only serves Fort Bend County residents. Erik has never reached out to the therapist Monica retained for C.V.

Monica has also attended meetings with school personnel to address C.V.'s performance. In contrast, Erik has had limited involvement with helping C.V.'s school performance, even though online tools have been available to him to monitor C.V.'s performance.

Erik responds that all the "programs available to promote the best interests of the child are equally available to both parents." In a general sense this may be accurate, but it ignores that C.V.'s longtime therapist will not be available to C.V. if he lives in Brazoria County with Erik. Erik also points out that the trial court's

order provides that both parents have the right, subject to the other's agreement, to consent to medical and psychological treatment for C.V. But so did the original custody order, yet Erik failed to stay engaged in C.V.'s medical and psychological care or his school performance.

This factor favors Monica.

F. Erik's and Monica's plans for C.V.

Both parents claim that they are better suited to prepare C.V. for his future. Monica has invested significant time helping C.V.'s education and obtaining therapy for him. Dr. Alvarez interviewed each parent several times and concluded that C.V. was better off living with his father. While Monica's interactions with C.V., as they related to his father, introduced feelings of fear and anxiety for C.V., Erik's interactions were healthier. Erik's home and family support are likewise beneficial and preferable for C.V.'s development, according to Dr. Alvarez.

Given the recommendations of Dr. Alvarez, a neutral licensed psychologist, this factor favors Erik.

G. The stability of Erik's home

Dr. Alvarez's interviews with each parent led her to conclude that Erik's home was a better environment for C.V. Her impressions were that Erik was truthful but that Monica was not. Shannon, who lives with Erik, and Erik's parents,

who live nearby, are involved in C.V.'s life, and C.V. enjoys spending time with each of them.

Monica raises some of C.V.'s prior complaints about Shannon's sons hurting him and about not feeling comfortable around Shannon. Notwithstanding these earlier concerns, Monica testified that she does not believe that C.V. is unsafe in Erik's care or that Erik's visitation must be supervised. Monica faults Dr. Alvarez's failure to interview Shannon and the other children and notes critically that Dr. Alvarez's interviews of the family and her final report's issuance happened a year or more before trial. These criticisms of Dr. Alvarez's evaluation processes go to Dr. Alvarez's credibility, which we may not second-guess. *See Epps*, 537 S.W.3d at 243; *Martinez*, 2011 WL 2112806, at *4; *Hatteberg*, 933 S.W.2d at 530.

Dr. Alvarez concluded in her report and in her testimony that Erik's home was a better environment for C.V. Therefore, this factor favors Erik.

H. Monica's acts or omissions that indicate that the current custodial placement is improper and any excuses for those acts or omissions

Dr. Alvarez's opinions about Monica's attempts to alienate C.V. from his father also bear on these factors, as does Monica's surreptitiously recording of all C.V.'s phone calls with Erik. Dr. Alvarez testified that the efforts by Monica to paint Erik in a harsh light to C.V. were harmful to C.V.

These factors favor Erik.

In sum, of the nine best-interest factors, only one favors Monica. Her alienating conduct played a central role in Dr. Alvarez's custody recommendation. The trial court reasonably could have concluded that Dr. Alvarez's opinion about Monica's untruthfulness undermined Monica's credibility. So while Monica has done much good in her parenting, the trial court reasonably could have concluded that her intentional and repeated alienation of C.V. from his father strongly suggested that custody should be modified. We hold that the evidence before the trial court was legally sufficient to support the order modifying custody in Erik's favor because we cannot say that a reasonable person could not have reached the same judgment on the same facts. *See Stamper*, 254 S.W.3d at 542. We also hold that the evidence was factually sufficient because the evidence supporting the modification was not so contrary to the overwhelming weight of the evidence as to make the order clearly wrong or unjust. *See Epps*, 537 S.W.3d at 243.

III. The trial court did not err in applying its discretion to the evidence

Under the second prong of abuse-of-discretion review, Monica offers several reasons, either in her opening brief or in her motion for rehearing, why she believes Dr. Alvarez's testimony was not credible—Dr. Alvarez ignored C.V.'s therapist's deposition testimony, Dr. Alvarez's methodology was flawed, C.V.'s therapist is more credible than Dr. Alvarez, Dr. Alvarez never interviewed Shannon or her children, and Monica's personal therapist reached different

conclusions about her mental health. And in her motion for rehearing, Monica adds other considerations—Dr. Alvarez failed to consider Erik’s 2005 and 2006 convictions for family violence; a court-ordered substance-abuse evaluator reported that Monica “is motivated to complete the requirements of the Court” and “appeared honest and open throughout the clinical interview”; C.V.’s personal therapist had spent more time with him than Dr. Alvarez had; and parental alienation is not a diagnosable condition.⁴ All these observations concern Dr. Alvarez’s credibility, which the trial court was within its discretion to judge favorably, including by discounting Monica’s contrary testimony.⁵ *See Epps*, 537 S.W.3d at 243; *Martinez*, 2011 WL 2112806, at *4; *Hatteberg*, 933 S.W.2d at 530.

⁴ Also in her motion for rehearing, Monica directs us to documents that she filed with the court post-trial and in connection with a hearing on the court reporter’s contest to Monica’s affidavit of inability to pay costs. Monica does not indicate that these documents were entered into evidence at trial, and the record suggests that they were not.

⁵ Monica also contends that Dr. Alvarez violated Family Code subsections 107.108(a), (c), and (e). But she does not explain how Dr. Alvarez allegedly failed to conform with the applicable standard of care for her licensure and any guidelines adopted by the authority that licensed her (subsection (a)), to “follow evidence-based practice methods and [to] make use of current best evidence” (subsection (c)), or to verify the fact statements in her report (subsection (e)). Both Dr. Alvarez’s report and her testimony reveal the sources for her opinions. Monica forfeited her Family Code section 107.108 contentions by inadequately briefing them. *See TEX. R. APP. P. 38.1(i)*.

The same goes for Monica's contention that the "judge put too much weight towards the amicus attorney opinion."⁶

We cannot say that the trial court made an unreasonable decision. *See Stamper*, 254 S.W.3d at 542. We overrule Monica's third and fourth issues.

Conclusion

We affirm the trial court's order. Also, the Court has voted to deny the motion for en banc reconsideration.⁷

Harvey Brown
Justice

Panel consists of Chief Justice Radack and Justices Brown and Caughey.

⁶ Monica complains that the amicus attorney violated Family Code subsections 107.005(a) and (b). But she does not explain how the amicus attorney failed to interact with C.V. or the court or failed to study the relevant American Bar Association child-representation standards. She therefore forfeited those complaints. *See* TEX. R. APP. P. 38.1(i).

⁷ The Court en banc consists of Chief Justice Radack and Justices Jennings, Keyes, Higley, Bland, Massengale, Brown, Lloyd, and Caughey.

APPENDIX B

NO. 63976

IN THE INTEREST OF

CHRISTOPHER VASQUEZ

A CHILD

**§ IN THE DISTRICT COURT
§
§ 300 JUDICIAL DISTRICT
§
§ BRAZORIA COUNTY, TEXAS**

ORDER IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP

On January 31, 2017 the Court heard this case.

Appearances

Petitioner, Erik Allen Vasquez, appeared in person and through attorney of record, Victor A. Sturm, and announced ready for trial.

Respondent, Monica Nicole Townsend, appeared in person and through attorney of record, Heather Bachman, and announced ready for trial.

Also appearing was Mirenda Moorhead, appointed by the Court as amicus attorney to assist the Court in protecting the best interests of the child the subject of this suit. The amicus attorney has agreed to the terms of this order, as evidenced by the signature of the amicus attorney below.

Other parties appearing were:

NAME

RELATIONSHIP TO CHILD

Office of the Attorney General

State Agency

Office of the Attorney General has agreed to the terms of this order, as evidenced by the signature below.

Jurisdiction

The Court, after examining the record and the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

Jury

A jury was waived, and all questions of fact and of law were submitted to the Court.

Record

The record of testimony was duly reported by the court reporter for County Court at Law No. 3 of Brazoria County, Texas.

Child

The Court finds that the following child is the subject of this suit:

Name: Christopher Vasquez

Sex: M

Birth date: XX/XX/2006

Home state: Texas

Social Security number: XXX-XX-X668

Driver's license number and issuing state: N/A, Not of Age

Findings

The Court finds that the material allegations in the petition to modify are true and that the requested modification is in the best interest of the child. IT IS ORDERED that the requested modification is GRANTED.

Parenting Plan

The Court finds that the provisions in these orders relating to the rights and duties of the parties with relation to the child, possession of and access to the child, child support, and optimizing the development of a close and continuing relationship between each party and the child constitute the parenting plan established by the Court.

Conservatorship

The Court finds that the following orders are in the best interest of the child.

IT IS ORDERED that Erik Allen Vasquez and Monica Nicole Townsend are removed as managing conservators and that Erik Allen Vasquez and Monica Nicole Townsend are appointed Joint Managing Conservators of the following child: CHRISTOPHER VASQUEZ

IT IS ORDERED that, at all times, Erik Allen Vasquez, as a parent joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and

9. the right to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Monica Nicole Townsend, as a parent joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;

3. the right of access to medical, dental, psychological, and educational records of the child;

4. the right to consult with a physician, dentist, or psychologist of the child;

5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;

6. the right to attend school activities;

7. the right to be designated on the child's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and

9. the right to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Erik Allen Vasquez and Monica Nicole Townsend, as parent joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child;

2. the duty to inform the other conservator of the child if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the fortieth day after

the date the conservator of the child begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator of the child if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator of the child if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator of the child if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during his periods of possession, Erik Allen Vasquez, as parent joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child;
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the child to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the child.

IT IS ORDERED that, during her periods of possession, Monica Nicole Townsend, as parent joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child;
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the child to medical and dental care not involving an invasive procedure; and
4. the right to direct the moral and religious training of the child.

IT IS ORDERED that Erik Allen Vasquez, as a parent joint managing conservator, shall have the following rights and duties:

1. the exclusive right to designate the primary residence of the child within Brazoria and contiguous counties;
2. the right, subject to the agreement of the other parent conservator, to consent to medical, dental, and surgical treatment involving invasive procedures; if the parties are unable to agree, they will follow the recommendation of the child's pediatrician.
3. the right, subject to the agreement of the other parent conservator, to consent to psychiatric and psychological treatment of the child; if the parties are unable to agree, they will follow the recommendation of the child's pediatrician.
4. the exclusive right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;
5. the right, subject to the agreement of the other parent conservator, to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
6. the right, subject to the agreement of the other parent conservator, to consent to marriage and to enlistment in the armed forces of the United States;
7. the right, subject to the agreement of the other parent conservator, to make decisions concerning the child's education; if the parties are unable to agree, they will follow the recommendation of the child's school counselor. IT IS ORDERED that the child shall remain in the Quail Valley Elementary through the 2016-2017 academic school year.

8. except as provided by section 264.0111 of the Texas Family Code, the right, subject to the agreement of the other parent conservator, to the services and earnings of the child;

9. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right, subject to the agreement of the other parent conservator, to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and

10. the duty, subject to the agreement of the other parent conservator, to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parent.

IT IS ORDERED that Monica Nicole Townsend, as a parent joint managing conservator, shall have the following rights and duty:

1. the right, subject to the agreement of the other parent conservator, to consent to medical, dental, and surgical treatment involving invasive procedures; if the parties are unable to agree, they will follow the recommendation of the child's pediatrician.

2. the right, subject to the agreement of the other parent conservator, to consent to psychiatric and psychological treatment of the child; if the parties are unable to agree, they will follow the recommendation of the child's pediatrician.

3. the right, subject to the agreement of the other parent conservator, to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

4. the right, subject to the agreement of the other parent conservator, to consent to marriage and to enlistment in the armed forces of the United States;

5. the right, subject to the agreement of the other parent conservator, to make decisions concerning the child's education; if the parties are unable to agree, they will follow the recommendation of the child's school counselor. IT IS ORDERED that the child shall remain in the Quail Valley Elementary through the 2016-2017 academic school year.

6. except as provided by section 264.0111 of the Texas Family Code, the right, subject to the agreement of the other parent conservator, to the services and earnings of the child;

7. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right, subject to the agreement of the other parent conservator, to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and

8. the duty, subject to the agreement of the other parent conservator, to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child, to provide a safe, stable, and nonviolent environment for the child, and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the child shall be Brazoria and contiguous counties, and the parties shall not remove the child from Brazoria and contiguous counties for the purpose of changing the primary residence of the child until modified by further order of the court of continuing jurisdiction or by written agreement signed by the parties and filed with the court.

IT IS FURTHER ORDERED that Erik Allen Vasquez shall have the exclusive right to designate the child's primary residence within Brazoria and contiguous counties.

IT IS FURTHER ORDERED that this geographic restriction on the residence of the child shall be lifted if, at the time Erik Allen Vasquez wishes to remove the child from Brazoria and contiguous counties for the purpose of changing the primary residence of the child, Monica Nicole Townsend does not reside in Brazoria and contiguous counties.

Possession and Access

1. Standard Possession Order

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) Parents Who Reside 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when Monica Nicole Townsend resides 100 miles or less from the primary residence of the child, Monica Nicole Townsend shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Monica Nicole Townsend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Monica Nicole Townsend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 p.m. on that Monday.

3. **Thursdays** - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. **Spring Vacation in Even-Numbered Years** - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

5. **Extended Summer Possession by Monica Nicole Townsend –**

With Written Notice by April 1 - If Monica Nicole Townsend gives Erik Allen Vasquez written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Monica Nicole Townsend shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice, provided that the period or periods of extended summer possession do not interfere with Father's Day possession. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

Without Written Notice by April 1 - If Monica Nicole Townsend does not give Erik Allen Vasquez written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Monica Nicole Townsend shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for Monica Nicole Townsend, it is expressly ORDERED that Erik Allen Vasquez shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

2. Summer Weekend Possession by Erik Allen Vasquez - If Erik Allen Vasquez gives Monica Nicole Townsend written notice by April 15 of a year, Erik Allen Vasquez shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by Monica Nicole Townsend in that year, provided that Erik Allen Vasquez picks up the child from Monica Nicole Townsend and returns the child to that same place.

3. Extended Summer Possession by Erik Allen Vasquez - If Erik Allen Vasquez gives Monica Nicole Townsend written notice by April 15 of a year or gives Monica Nicole Townsend fourteen days' written notice on or after April 16 of a year, Erik Allen Vasquez may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by Monica Nicole Townsend shall not take place in that year, provided that the weekend so designated does not interfere with Monica Nicole Townsend's period or periods of extended summer possession.

(d) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when Monica Nicole Townsend resides more than 100 miles from the residence of the child, Monica Nicole Townsend shall have the right to possession of the child as follows:

1. Weekends - Unless Monica Nicole Townsend elects the alternative period of weekend possession described in the next paragraph, Monica Nicole Townsend shall have the right to possession of the child on weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend, and on weekends that do not occur during the regular school term, beginning at 6:00 p.m. on the first, third and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, Monica Nicole Townsend shall have the right to possession of the child not more than one weekend per month of Monica

Nicole Townsend's choice beginning at 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 p.m. on the day before school resumes after the weekend. Monica Nicole Townsend may elect an option for this alternative period of weekend possession by giving written notice to Erik Allen Vasquez within ninety days after the parties begin to reside more than 100 miles apart. If Monica Nicole Townsend makes this election, Monica Nicole Townsend shall give Erik Allen Vasquez fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Father's Day possession below.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Monica Nicole Townsend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Monica Nicole Townsend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 p.m. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

4. Extended Summer Possession by Monica Nicole Townsend –

With Written Notice by April 1 - If Monica Nicole Townsend gives Erik Allen Vasquez written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Monica Nicole Townsend shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven

consecutive days each, as specified in the written notice, provided that the period or periods of extended summer possession do not interfere with Father's Day possession. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

Without Written Notice by April 1 - If Monica Nicole Townsend does not give Erik Allen Vasquez written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Monica Nicole Townsend shall have possession of the child for forty-two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for Monica Nicole Townsend, it is expressly ORDERED that Erik Allen Vasquez shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by Erik Allen Vasquez - If Erik Allen Vasquez gives Monica Nicole Townsend written notice by April 15 of a year, Erik Allen Vasquez shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by Monica Nicole Townsend during Monica Nicole Townsend's extended summer possession in that year, provided that if a period of possession by Monica Nicole Townsend in that year exceeds thirty days, Erik Allen Vasquez may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that Erik Allen Vasquez picks up the child from Monica Nicole Townsend and returns the child to that same place.

2. Extended Summer Possession by Erik Allen Vasquez - If Erik Allen Vasquez gives Monica Nicole Townsend written notice by April 15 of a year, Erik Allen Vasquez may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which Monica Nicole Townsend shall not have possession of the child, provided that the period or periods so designated do not interfere with Monica Nicole Townsend's period or periods of extended summer possession. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

(e) Holidays Unaffected by Distance

Notwithstanding the weekend and Thursday periods of possession of Monica Nicole Townsend, Erik Allen Vasquez and Monica Nicole Townsend shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, Monica Nicole Townsend shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and Erik Allen Vasquez shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, Erik Allen Vasquez shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and Monica Nicole Townsend shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, Monica Nicole Townsend shall have the right to possession of the child beginning at the time the child's school is dismissed for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, Erik Allen Vasquez shall have the right to possession of the child beginning at the time the child's school is dismissed for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, that parent shall have possession of the child beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - Erik Allen Vasquez shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if Erik Allen Vasquez is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Monica Nicole Townsend's residence and return the child to that same place.

7. Mother's Day - Monica Nicole Townsend shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if Monica Nicole Townsend is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Erik Allen Vasquez's residence and return the child to that same place.

(f) Undesignated Periods of Possession

Erik Allen Vasquez shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for Monica Nicole Townsend.

(g) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by Erik Allen Vasquez - Erik Allen Vasquez is ORDERED to surrender the child to Monica Nicole Townsend at the beginning of each period of Monica Nicole Townsend's possession at the Sunoco gas station at 11508 Hwy. 6, Fresno, Texas.

If a period of possession by Monica Nicole Townsend begins at the time the child's school is regularly dismissed, Erik Allen Vasquez is ORDERED to surrender the child to Monica Nicole Townsend at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not in school, Monica Nicole Townsend shall pick up the child at the Sunoco gas station at 11508 Hwy. 6, Fresno, Texas at 6:00 p.m., and Erik Allen Vasquez is ORDERED to surrender the child to Monica Nicole Townsend at the Sunoco gas station at 11508 Hwy. 6, Fresno, Texas at 6:00 p.m. under these circumstances.

2. Return of Child by Monica Nicole Townsend - Monica Nicole Townsend is ORDERED to return the child to the Sunoco gas station at 11508 Hwy. 6, Fresno, Texas at the end of each period of possession.

If a period of possession by Monica Nicole Townsend ends at the time the child's school resumes, Monica Nicole Townsend is ORDERED to surrender the child to Erik Allen Vasquez at the end of each such period of possession at the school in which the child is enrolled or, if the child is not in school, at the Sunoco gas station at 11508 Hwy. 6, Fresno, Texas at 6:00 p.m.

3. Surrender of Child by Monica Nicole Townsend - Monica Nicole Townsend is ORDERED to surrender the child to Erik Allen Vasquez, if the child is in Monica Nicole Townsend's possession or subject to Monica Nicole Townsend's control, at the beginning of each period of Erik Allen Vasquez's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by Erik Allen Vasquez - Erik Allen Vasquez is ORDERED to return the child to Monica Nicole Townsend, if Monica Nicole Townsend is entitled to possession of the child, at the end of each of Erik Allen Vasquez's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice, including notice provided by electronic mail or facsimile, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. Notice to School and Erik Allen Vasquez - If Monica Nicole Townsend's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, Monica Nicole Townsend shall immediately notify the school and Erik Allen Vasquez that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

2. Duration

The periods of possession ordered above apply to the child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

3. Electronic Communication

For purposes of this order, the term "electronic communication" means any communication facilitated by the use of any wired or wireless technology via the Internet or any other electronic media. The term includes communication facilitated by the use of a telephone, electronic mail, instant messaging, videoconferencing, or webcam.

IT IS ORDERED that the conservators shall have electronic communication with the child to supplement their periods of possession as follows:

- a. Reasonable times to call the child at the other parent's home are One fifteen minute telephone call during each seven day period of uninterrupted possession which the parent does not see the child..
- b. Telephone calls and other communication shall not be monitored by the other parent unless either believes in good faith that a child is having a problem, in which case the parent shall advise the other parent that the call or other communication is being monitored.

4. Termination of Orders

The provisions of this order relating to conservatorship, possession, or access terminate on the remarriage of Erik Allen Vasquez to Monica Nicole Townsend unless a nonparent or agency has been appointed conservator of the child under chapter 153 of the Texas Family Code.

Child Support

IT IS ORDERED that Erik Allen Vasquez's obligation to pay child support is terminated as of February 28, 2017.

IT IS ORDERED that Monica Nicole Townsend is obligated to pay and shall pay to Erik Allen Vasquez child support of two hundred thirty dollars (\$230.00) per month, with the first payment being due and payable on March 1, 2017 and a like payment being due and payable on the 1st day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1. the child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;
2. the child marries;
3. the child dies;
4. the child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or
5. the child's disabilities are otherwise removed for general purposes.

If the child is eighteen years of age and has not graduated from high school, IT IS ORDERED that Monica Nicole Townsend's obligation to pay child support to Erik Allen Vasquez shall not terminate but shall continue for as long as the child is enrolled-

1. under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma or under section 130.008 of the Education

Code in courses for joint high school and junior college credit and is complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code or

2. on a full-time basis in a private secondary school in a program leading toward a high school diploma and is complying with the minimum attendance requirements imposed by that school.

Statement on Guidelines

In accordance with Texas Family Code section 154.130, the Court makes the following findings and conclusions regarding the child support order made in open court in this case on February 8, 2017:

1. The amount of child support ordered by the Court is in accordance with the percentage guidelines.
2. The net resources of Monica Nicole Townsend per month are \$1150.00.
3. The net resources of Erik Allen Vasquez per month are \$2800.00.
4. The percentage applied to the first \$8,550 of Monica Nicole Townsend's net resources for child support is 20 percent.

Withholding from Earnings

IT IS ORDERED that any employer of Monica Nicole Townsend shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of Monica Nicole Townsend for the support of CHRISTOPHER VASQUEZ.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of Monica Nicole Townsend by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full

amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of Monica Nicole Townsend, and it is hereby ORDERED that Monica Nicole Townsend pay the balance due directly to the state disbursement unit specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to Erik Allen Vasquez for the support of the child.

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that Monica Nicole Townsend shall notify this Court and Erik Allen Vasquez by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Monica Nicole Townsend and the name and address of her current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, Erik Allen Vasquez, Monica Nicole Townsend, or an attorney representing Erik Allen Vasquez or Monica Nicole Townsend, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Health Care

1. IT IS ORDERED that Erik Allen Vasquez and Monica Nicole Townsend shall each provide medical support for the child as set out in this order as additional child support for as long as the Court may order Erik Allen Vasquez and Monica Nicole Townsend to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day Erik Allen Vasquez and Monica Nicole Townsend's actual or potential obligation to support the child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that Erik Allen Vasquez and Monica Nicole Townsend are discharged from the obligations set forth in this medical support order, except for any failure by a parent to fully comply with those obligations before that date. IT IS FURTHER ORDERED that the cash medical support payments ordered below are payable through the state disbursement unit and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other

private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the cost of health insurance coverage for a child that does not exceed 9 percent of Monica Nicole Townsend's annual resources, as described by section 154.062(b) of the Texas Family Code.

"Reasonable and necessary health-care expenses not paid by insurance and incurred by or on behalf of a child" include, without limitation, any copayments for office visits or prescription drugs, the yearly deductible, if any, and medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges. These reasonable and necessary health-care expenses do not include expenses for travel to and from the health-care provider or for nonprescription medication.

"Furnish" means -

- a. to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient;
- b. to deliver the document to the recipient by certified mail, return receipt requested, to the recipient's last known mailing or residence address;
- c. to deliver the document to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States; or

d. to provide the document to the recipient by posting the document on the Our Family Wizard Internet Web site program, in accordance with the provisions set forth below in this order.

3. Findings on Health Insurance Availability - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

No parent has access to private health insurance at a reasonable cost.

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the child.

4. Provision of Health-Care Coverage -

Erik Allen Vasquez is ORDERED to apply for coverage under a governmental medical assistance program or health plan for the child who is the subject of this suit, within ten days of the date of entry of this Order.

Monica Townsend is ORDERED to execute all documents necessary to facilitate the change of insurance..

When such health coverage is obtained, Erik Allen Vasquez is ORDERED to maintain the coverage in full force and effect on the child who is the subject of this suit as long as child support is payable for that child, by paying all applicable fees required for the coverage, including but not limited to enrollment fees and premiums. Erik Allen Vasquez is ORDERED to furnish Monica Nicole Townsend and the Office of the Attorney General Child Support Division a true and correct copy of the health insurance policy or certification and a schedule of benefits within 30 days following the signing of this order. Erik Allen Vasquez is FURTHER ORDERED to furnish Monica Nicole Townsend copies of the insurance cards and any other

forms necessary for use of the insurance within 30 days following the signing of this order. Erik Allen Vasquez is ORDERED to provide, within three days of receipt by Erik Allen Vasquez, to Monica Nicole Townsend any insurance checks, other payments, or explanations of benefits relating to any medical expenses for the child that Monica Nicole Townsend paid or incurred.

Monica Nicole Townsend is ORDERED to pay Erik Allen Vasquez cash medical support, as additional child support, of sixty-one dollars (\$61.00) per month, with the first installment being due and payable on March 1, 2017 and a like installment being due and payable on or before the 1st day of each month until the termination or modification of current child support for the child under this order.

IT IS ORDERED that the cash medical support provisions of this order shall be an obligation of the estate of Monica Nicole Townsend and shall not terminate on her death.

Monica Nicole Townsend is allowed to discontinue payment of cash medical support, for the time Monica Nicole Townsend is providing coverage, if-

- a. health insurance for the children becomes available to Monica Nicole Townsend at a reasonable cost;
- b. Monica Nicole Townsend enrolls the child in the insurance plan; and
- c. Monica Nicole Townsend provides Erik Allen Vasquez and the title IV-D agency the information required under section 154.185 of the Texas Family Code.

Pursuant to section 154.183(c) of the Texas Family Code, the reasonable and necessary health-care expenses of the child that are not reimbursed by health insurance or are not otherwise covered by the amount of cash medical support under section 154.182(b) are allocated as

follows: Erik Allen Vasquez is ORDERED to pay 50 percent and Monica Nicole Townsend is ORDERED to pay 50 percent of the total health-care expenses that exceed the amount of cash medical support paid by Monica Nicole Townsend.

The party who incurs a health-care expense on behalf of the child is ORDERED to furnish to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them. The nonincurring party is ORDERED to pay the nonincurring party's percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within thirty days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits. However, if the incurring party fails to submit to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them, IT IS ORDERED that the nonincurring party shall pay the nonincurring party's percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within 120 days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits.

These provisions apply to all health-care expenses of the child who is the subject of this order for the provision of health-care coverage that are incurred while cash medical support is payable for that child.

5. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILD, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD.

6. Notice to Employer - On this date a Medical Support Notice was authorized to be issued by the Court. For the purpose of section 1169 of title 29 of the United States Code, the party not carrying the health insurance policy is designated the custodial parent and alternate recipient's representative.

7. Miscellaneous Health Care Provisions -

Each parent will deliver the medications of the child to the other parent at the beginning of the other parent's parenting time, unless the medications have been divided by the pharmacist into two containers that provide appropriate dosages and administrations to cover the time with each parent or unless two prescriptions can be obtained.

Each parent will inform the other of regular health-care appointments in advance, and both may attend.

Miscellaneous Child Support Provisions

No Credit for Informal Payments

IT IS ORDERED that the child support as prescribed in this order shall be exclusively discharged in the manner ordered and that any direct payments made by Monica Nicole

Townsend to Erik Allen Vasquez or any expenditures incurred by Monica Nicole Townsend during Monica Nicole Townsend's periods of possession of or access to the child, as prescribed in this order, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this order.

Support as Obligation of Estate

IT IS ORDERED that the provisions for child support in this order shall be an obligation of the estate of Monica Nicole Townsend and shall not terminate on the death of Monica Nicole Townsend. Payments received for the benefit of the child, including payments from the Social Security Administration, Department of Veterans Affairs or other governmental agency or life insurance proceeds, annuity payments, trust distributions, or retirement survivor benefits, shall be a credit against this obligation. Any remaining balance of the child support is an obligation of Monica Nicole Townsend's estate.

Termination of Orders on Remarriage of Parties but Not on Death of Obligee

The provisions of this order relating to current child support terminate on the remarriage of Erik Allen Vasquez to Monica Nicole Townsend unless a nonparent or agency has been appointed conservator of the child under chapter 153 of the Texas Family Code. An obligation to pay child support under this order does not terminate on the death of Erik Allen Vasquez but continues as an obligation to CHRISTOPHER VASQUEZ..

Optimizing Development of Relationship between Parties and Child

IT IS ORDERED that the conservator not in primary possession of the children will make every effort to contact the children at least once a week to ensure that communication lines between the children and the conservator remain open.

Medical Notification

Each party is ORDERED to inform the other party within 24 hours of any medical condition of the child requiring surgical intervention, hospitalization, or both.

Within 30 days after the Court signs this order, each party is ORDERED to execute -

1. all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit the other conservator to obtain health-care information regarding the child; and

2. for all health-care providers of the child, an authorization for disclosure of protected health information to the other conservator pursuant to the HIPAA and 45 C.F.R. section 164.508.

Each party is further ORDERED to designate the other conservator as a person to whom protected health information regarding the child may be disclosed whenever the party executes an authorization for disclosure of protected health information pursuant to the HIPAA and 45 C.F.R. section 164.508.

Coparenting Web Site Program

IT IS ORDERED that Erik Allen Vasquez and Monica Nicole Townsend each shall, within ten days after this order is signed by the Court, obtain at his or her sole expense a subscription to the Our Family Wizard program on the Internet Web site at ourfamilywizard.com. IT IS FURTHER ORDERED that Erik Allen Vasquez and Monica Nicole Townsend each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that Erik Allen Vasquez and Monica Nicole Townsend shall each communicate through the Our Family Wizard program with regard to all communication regarding the child, except in the case of an emergency or other urgent matter.

IT IS ORDERED that Erik Allen Vasquez and Monica Nicole Townsend each shall timely post all significant information concerning the health, education, and welfare of the child, including but not limited to the child's medical appointments, the child's schedule and activities, and request for reimbursement of uninsured health-care expenses, on the Our Family Wizard Internet Web site. However, IT IS ORDERED that neither party shall have any obligation to post on that Web site any information to which the other party already has access through other means, such as information available on the Web site of the child's school.

IT IS FURTHER ORDERED that Erik Allen Vasquez and Monica Nicole Townsend shall each timely post on the Our Family Wizard Internet Web site a copy of any e-mail received by the party from the child's school or any health-care provider of the child, in the event that e-mail was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the Our Family Wizard program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the Our Family Wizard program.

Injunctive Relief

The Court finds that, because of the conduct of Erik Allen Vasquez, a permanent injunction against him should be granted as appropriate relief because there is no adequate remedy at law.

The permanent injunction granted below shall be effective immediately and shall be binding on Erik Allen Vasquez; on his agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

IT IS ORDERED that Erik Allen Vasquez is permanently enjoined from:

1. Interfering in any way with Monica Nicole Townsend's possession of the child or taking or retaining possession of the child, directly or in concert with other persons, except as permitted by order of the Court.
2. Discussing litigation, custody arrangements, or support, directly to the child or in the presence of the child or allowing the child to remain in the presence of a third party discussing litigation.
3. Making disparaging remarks about the other party in the presence of the child or saying anything or taking any action in the presence of the child which would be reasonably calculated to cause the child to have a diminished opinion or view of the other parent or the other parent's conduct, or allowing any third party to make disparaging remarks about the other party in the presence of the child or saying anything or taking any action in the presence of the child which would be reasonably calculated to cause the child to have a diminished opinion or view of either parent or either parent's conduct.
4. Using the child to relay messages between the parties.

5. Consuming alcohol or a nonprescription controlled substance within the 12 hours before or during the period of possession of or access to the child.

6 Erik Allen Vasquez shall secure all firearms and BB guns in a gun cabinet with a child proof lock and the guns shall remain in the locked gun cabinet at all times while the child is present, except when the firearms are being used under the supervision of and in the immediate presence of an adult

The Court finds that, because of the conduct of Monica Nicole Townsend, a permanent injunction against her should be granted as appropriate relief because there is no adequate remedy at law.

The permanent injunction granted below shall be effective immediately and shall be binding on Monica Nicole Townsend; on her agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

IT IS ORDERED that Monica Nicole Townsend is permanently enjoined from:

1. Interfering in any way with Erik Allen Vasquez's possession of the child or taking or retaining possession of the child, directly or in concert with other persons, except as permitted by order of the Court.

2. Discussing litigation, custody arrangements, or support, directly to the child or in the presence of the child or allowing the child to remain in the presence of a third party discussing litigation.

3. Making disparaging remarks about the other party in the presence of the child or

saying anything or taking any action in the presence of the child which would be reasonably calculated to cause the child to have a diminished opinion or view of the other parent or the other parent's conduct, or allowing any third party to make disparaging remarks about the other party in the presence of the child or saying anything or taking any action in the presence of the child which would be reasonably calculated to cause the child to have a diminished opinion or view of either parent or either parent's conduct.

4. Using the child to relay messages between the parties.
5. Consuming alcohol or a nonprescription controlled substance within the 12 hours before or during the period of possession of or access to the child.

6 Monica Townsend shall secure all firearms and BB guns in a gun cabinet with a child proof lock and the guns shall remain in the locked gun cabinet at all times while the child is present, except when the firearms are being used under the supervision of and in the immediate presence of an adult

Service of Writ

Petitioner and Respondent waive issuance and service of the writ of injunction, by stipulation or as evidenced by the signatures below. IT IS ORDERED that Petitioner and Respondent shall be deemed to be duly served with the writ of injunction.

Required Information

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name: Erik Allen Vasquez

Social Security number: XXX-XX-X787
Driver's license number: XXXXX928 Issuing state: Texas
Current residence address: 2930 C.R. 57, Rosharon, Texas 77583
Mailing address: 2930 C.R. 57, Rosharon, Texas 77583
Home telephone number: 281-732-4163
Name of employer: ASAP Oil & Lube
Address of employment: 6111 Jan Dr., Arcola, TX 77583
Work telephone number: 281-431-4242

Name: Monica Nicole Townsend

Social Security number: 452-53-7200
Driver's license number: 17266938 Issuing state: Texas
Current residence address: 3015 Cartwright Rd., Missouri City, Texas 77459
Mailing address: 3015 Cartwright Rd., Missouri City, Texas 77459
Home telephone number: _____
Name of employer: HSMTX/Richmond, LLC
Address of employment: 705 Jackson, Richmond, TX 77469
Work telephone number: 832-843-5038

Name: Office of the Attorney General

Mailing address: 5300 F. M. 2004, LaMarque, Texas 77568
Telephone number: 409-986-7688

Required Notices

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX

MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of this Court or by registered or certified mail addressed to the clerk at 111 E. Locust, Suite 500, Angleton, TX 77515-4678. Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) 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 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

Attorney's and Ad Litem Fees

IT IS ORDERED that good cause exists to award Erik Allen Vasquez judgment in the amount of fifteen thousand one hundred seventy-three dollars and seventy-eight cents (\$15,173.78) for reasonable attorney's fees, expenses, and costs incurred by Erik Allen Vasquez, with interest at 6 percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against Monica Nicole Townsend, Respondent. Respondent is ORDERED to pay the fees, expenses, costs, and interest to Erik Allen Vasquez, C/O Victor A. Sturm at 2420 S. Grand Blvd., Pearland, Texas 77581 by cash, cashier's check, or money order. Erik Allen Vasquez may enforce this judgment for fees, expenses, and costs by any means available for the enforcement of a judgment for debt.

The Court finds that Mirenda Moorhead has satisfactorily discharged all of the legal duties and obligations under chapter 107 of the Texas Family Code, and IT IS ORDERED that Mirenda Moorhead is hereby discharged and relieved of any further rights, duties, and responsibilities in this case. IT IS FURTHER ORDERED that Mirenda Moorhead is awarded one thousand three hundred eighty-seven dollars (\$1387.00) as legal fees for services rendered as amicus attorney. The Court finds that the fees are necessities for the benefit of the child. These fees are taxed as costs, and Monica Nicole Townsend, Respondent, is ORDERED to pay the fees to Mirenda Moorhead by cash, cashier's check, or money order. Mirenda Moorhead may enforce this order for fees in Mirenda Moorhead's own name.

Costs

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

Relief Not Granted


IT IS ORDERED that all relief requested in this case and not expressly granted is denied. All other terms of the prior orders not specifically modified in this order shall remain in full force and effect.

Discharge of Attorney of Record

IT IS ORDERED and FOUND that upon entry of this order, Heather M. Bachman is hereby discharged as the attorney of record for Monica Nicole Townsend.

Date of Order

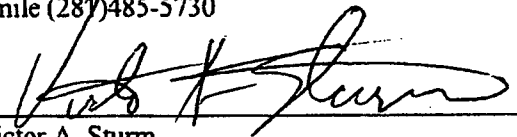
This order judicially PRONOUNCED AND RENDERED in court at Angleton, Brazoria County, Texas, on February 8, 2017 and further noted on the court's docket sheet on the same date, but signed on March 13, 2017.



JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

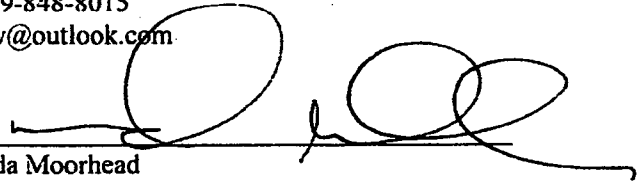
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By: 
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By: **Heather M. Bachman**
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5300 F.M. 2004

LaMarque, Texas 77568

Tel. 409-986-7688

Fax 409-986-9663

By: _____

Luis Regla, Assistant Attorney General

State Bar No. 24079192

603.custserv@texasattorneygeneral.gov

By: _____

Erik Allen Vasquez, Petitioner

By: _____

Monica Nicole Townsend, Respondent

APPENDIX C

FILE COPY

RE: Case No. 19-0139
COA #: 01-17-00436-CV
STYLE: TOWNSEND v. VASQUEZ

DATE: 3/22/2019
TC#: 63976

Today the Supreme Court of Texas denied the petition
for review in the above-referenced case.

MS. MONICA NICOLE TOWNSEND
* DELIVERED VIA E-MAIL & POSTAL *

APPENDIX D

FILE COPY

RE: Case No. 19-0139
COA #: 01-17-00436-CV
STYLE: TOWNSEND V. VASQUEZ
DATE: 5/31/2019
TC#: 63976

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MS. MONICA NICOLE TOWNSEND

* DELIVERED VIA E-MAIL *