

**STANDING PENDENTE LITE ORDER**  
**Of the Twenty-Third Judicial Circuit**

The following *pendente lite* order is entered pursuant to the Standing Order of the Circuit Judges of the 23<sup>rd</sup> Judicial Circuit, and shall be binding on both parties during the pendency of the action, pending further orders of the Court. FAILURE TO ABIDE BY THESE PROVISIONS WILL SUBJECT THE DEFAULTING PARTY TO PENALTIES FOR CONTEMPT OF COURT. Accordingly, with reference to the case noted above, it is **ORDERED, ADJUDGED, and DECREED** as follows:

1. Injunction Against Harassment: Both parties are restrained and enjoined from contacting or going about one another at their respective residences or places of employment, or elsewhere, for the purpose of harassing, threatening, intimidating, or assaulting the other, directly or indirectly, in person or by means of telephone, computer, mail, or otherwise.
2. Preservation of Assets: The parties are ordered and directed to preserve, in their present form and location, all assets owned by them either jointly or individually, and are ordered *not* to sell, assign, transfer, conceal, remove from the jurisdiction of the Court, or in any manner dispose of, liquidate, conceal, encumber, dissipate or convert any assets of the parties, or change beneficiaries upon any life insurance policies, or alter any medical, hospitalization, or automobile insurance policies, or in any way alter the current cash value of any life insurance policy. However, this Order shall not prohibit the use of earned income to pay reasonable and lawful debts and living expenses of the parties, nor prohibit the use of physical assets in the same manner as the same had been used in the ordinary and customary activities of the parties prior to the filing of the action for divorce.
3. Payment of Monthly Expenses: The parties shall coordinate the payment of fixed monthly expenses, including but not limited to rent, mortgage payment, utilities, telephone, car loans, medical insurance, gas, food, and other necessary living expenses, so that the parties shall continue paying said expenses in the same manner as was the case prior to the filing of this action.
4. Negotiation of Other Conditions: The parties are encouraged to mutually agree, if possible, on any other reasonable terms and conditions which will maintain the parties' status quo, pending a final hearing; provided, however, that this Court expects any such agreement, *if contrary to the orders set forth above*, to be in writing, executed by both parties, and submitted to this Court for approval.
5. Showing Required for Evidentiary Hearing: In the event the foregoing standing *pendente lite* orders do not resolve all matters raised by a motion or petition filed in the referenced action, then the attorney for the moving party shall have the burden of petitioning this Court *in writing* for an evidentiary hearing, *and showing good cause (by affidavit or other proof) of the necessity for such hearing, pendente lite.*

**IF THE PARTIES HAVE MINOR CHILDREN**, the following additional conditions are entered *pendente lite* and shall be binding on both parties during the pendency of the action, pending further orders of the Court. FAILURE TO ABIDE BY THESE PROVISIONS WILL SUBJECT THE DEFAULTING PARTY TO PENALTIES FOR CONTEMPT OF COURT.

Accordingly, with reference to the case noted above, it is **ORDERED, ADJUDGED,**

**and DECREED** as follows:

6. **Minimization of Emotional Trauma on Child(ren):** Neither party shall do or say anything to any minor child of the parties, or in a child's presence or hearing, to poison the child's mind, or to adversely influence a child about the other party, or about any issue presented in this action.
7. **Occupancy of Marital Residence:** This Court strongly prefers that children continue to reside in the parties' marital/family residence during the pendency of this action. The Court's intent is for a child's life to be disrupted as little as possible, and for stability to be maintained in a child's life as much as possible.
8. **Payment of Child Support:** In the event the parties are living separate and apart, the parties shall *immediately* compute and the party not residing with the child(ren) shall begin to pay child support in accordance with Rule 32 of the *Alabama Rules of Judicial Administration*, and continue to do so pending a final hearing or further orders of the Court.
9. **Payment of Child(ren)'s Expenses:** In the event the parties are residing in the same residence and no child support is being paid by one party to the other, the parties shall coordinate payment of the child(ren)'s expense including but not limited to food, clothes, school and extracurricular activity expenses, insurance, medical, and the parties shall continue paying said expenses in the same manner as was the case prior to the filing of this action.

10. **CUSTODY SCHEDULE**

**a. Parents are allowed to vary from the Court-ordered custody schedule by mutual agreement. In fact, the Court hopes that parents will be flexible in dealings regarding a child. However, if parents are not both in agreement, the following custody schedule is to be followed. Failure to do so can subject a party to sanctions for contempt of Court.**

**b.** Unless as otherwise set out herein, all visitation will be accomplished by the non-custodial parent picking up the child(ren) at the residence of the custodial parent or school if visitation begins at the end of the school day, or such other reasonable place as the parties may mutually agree at the times provided for each period of visitation. The custodial parent shall pick up the child(ren) at the end of the non-custodial parent's period of visitation at the residence of the non-custodial parent, school if the visitation period ends at the start of the school day, or such other reasonable place as the parties may mutually agree.

Both parties shall share their residential address with the other unless leave of court is sought. Visitation is NOT, however, to be interrupted while such request is pending and the exchange of the child(ren) shall occur at a place mutually agreed by the parties or equal distance from the parties residences, if an agreement cannot be reached.

**c.** Visitation rights shall be allowed to the other parent in lieu of a child being cared for on an overnight basis by any person other than a parent, or the parent's spouse. However, a child spending occasional nights with a grandparent shall not be considered a violation of this provision.

**d. Weekends**

1st and 3rd weekends of each month, from 3:00 p.m. on Friday until 8:00 a.m. on the following Monday, when the non-custodial parent shall take the child(ren) to school, or day care, or return the child(ren) to the other parent, as the case may be.

5<sup>th</sup> Weekend: The 1<sup>st</sup> and 3<sup>rd</sup> 5<sup>th</sup> weekend of each calendar month, from 3:00 p.m. on Friday until 8:00 a.m. on the following Monday, when the non-custodial parent shall take the child(ren) to school, or daycare, or return the child(ren) to the other parent, as the case may be, with the custodial parent having the child(ren) on the 2<sup>nd</sup> and 4<sup>th</sup> 5<sup>th</sup> weekend of each calendar year.

*The first Friday of a new month is deemed by this Court to be the "first weekend" of that month. In the event that an "Other School Holiday" listed below falls on the following Monday and it is the visiting parent's year to exercise such holiday as provided in subparagraph (o) below, the weekend visit shall extend until 8:00 a.m. on Tuesday.*

**e. Weekdays:** Every Thursday of each week, or another day as mutually agreed by the parties, from 3:00 p.m. until 8:00 a.m. the next morning, when the non-custodial parent shall take the child(ren) to school, or day care, or return to the other parent, as the case may be.

**f. Spring Break from School:** From 3:00 p.m. on the last day of school in session (in the district which the child(ren) reside(s), even if the child(ren) is(are) not in school) until 6:00 p.m. on the day before school starts back at the end of Spring Break in even-numbered years, regardless of whether such conflicts with other provisions, with the custodial parent having the child in odd-numbered years.

**g. Summer:** For one-half of the child(ren)'s summer break from school, with the non-custodial parent having the child(ren) for the first half during even-numbered years, and the second half during odd-numbered years, and the custodial parent having the other half not awarded to the non-custodial parent herein. The parent who is not awarded that half of the summer break from school is awarded the weekend visitation described in subparagraph (d) above during the other parent's half of the summer break. In the event the parties cannot agree, summer break from school is from 8:00 a.m. on the Monday following the last day of school until 6:00 p.m. on the last Friday before school resumes.

**h. Easter Weekend:** From 3:00 p.m. on Friday of the weekend in which Easter Sunday falls until 8:00 a.m. on the Monday following in each odd-numbered year, regardless of whether such conflicts with other provisions, with the custodial parent having the child in even-numbered years.

**i. Thanksgiving Break from School:** From 3:00 p.m. on the last day of school before the Thanksgiving School Break until 6:00 p.m. on the Sunday following in each odd-numbered year, regardless of whether such conflicts with other provisions, with the custodial parent having the child in even-numbered years.

**j. Christmas Break from School:** In even-numbered years, from 9:00 a.m. on the day after the last day of school before the break until 6:00 p.m. on December 25th; and, in odd-numbered years, from 6:00 p.m. on December 25th until 6:00 p.m. on the day

before school starts back at the end of the break, regardless of whether such conflicts with other provisions, with the custodial parent having the child in *odd*-numbered years, from 9:00 a.m.

on the day after the last day of school before the break until 6:00 p.m. on December 25th; *and*, in *even*-numbered years, from 6:00 p.m. on December 25th until 6:00 p.m. on the day before school starts back at the end of the break, regardless of whether such conflicts with other provisions

**k. *Child's Birthday:*** In *even*-numbered years, the non-custodial parent shall have visitation on the child's birthday along with the child's siblings, regardless of whether such conflicts with other provisions, with the custodial parent having the child and the child's siblings in *odd*-numbered years.

**l. *Father's Day Weekend:*** The father shall have visitation from 3:00 p.m. on Friday of the weekend in which Father's Day falls until 8:00 a.m. on the Monday after Father's Day, regardless of whether such conflicts with other provisions.

**m. *Mother's Day Weekend:*** The mother shall have visitation from 3:00 p.m. on Friday of the weekend in which Mother's Day falls until 8:00 a.m. on the Monday after Mother's Day, regardless of whether such conflicts with other provisions.

**n. *Parent's Birthday:*** The parent shall have visitation on the parent's birthday with the child(ren), unless said birthday is on a holiday referenced herein, then the parent shall have visitation with the child(ren) on another day as agreed to by the parties.

**o. *Other Holidays:*** The non-custodial parent shall have visitation from 8:00 a.m., or if the child(ren) is/are in school from 3:00 p.m., until 8:00 a.m. the next morning, when the non-custodial parent shall take the child(ren) to school, or day care, or return to the other parent, as the case may be, on the following holidays with the custodial parent to have the child(ren) on said holidays in the years opposite those years set out for the visiting parents:

- (1) **Martin Luther King:** *Odd*-numbered years
- (2) **National Memorial Day:** *Even*-numbered years
- (3) **4<sup>th</sup> of July:** *Odd*-numbered years
- (4) **Labor Day:** *Even*-numbered years
- (5) **Halloween:** *Even*-numbered years
- (6) **Veteran's Day:** *Odd*-numbered years

**p. *Fall Break from School:*** From 3:00 p.m. on the last day of school in session (in the district which the child(ren) reside(s), even if the child(ren) is(are) not in school) until 6:00 p.m. on the day before school starts back at the end of Fall Break in *even*-numbered years, regardless of whether such conflicts with other provisions, with the custodial parent having the child in *odd*-numbered years.

It is the Court's intent that each parent will have one of the school breaks, either Spring or Fall Break, each school year, and shall alternate which break is to be exercised each school year in the event the child(ren) attends school in a system in which both Spring and Fall Breaks are observed.

**q. *Time for Out-of-Town Vacation:*** Notwithstanding the foregoing

schedule, both parents shall have the right to take the child(ren) out of town for a vacation for a period not to exceed ten (10) consecutive days during which time the other parent shall not have the visitation/joint custody time otherwise provided for above. No make-up time shall be provided for; provided, however, that the vacation period to be exercised by the custodial parent shall not be allowed during the non-custodial parent's Summer, School Break, Special Occasion, or Holiday periods of visitation. Likewise, the non-custodial parent's Out-of-Town Vacation period shall be scheduled during his or her exercised Summer period of visitation, and shall not be allowed during the custodial parent's School Break, Special Occasion, or Holiday periods with the child(ren). (School Break: Spring Vacation/Fall School Breaks (as specified above); Holidays: Christmas/Thanksgiving School Breaks/Easter Weekend/"Other School Holidays" (as specified above); Special Occasion: Child(ren)'s Birthday/Mother's Day Weekend/Father's Day Weekend/Parent's Birthday.)

*r. Special Family Events:* Each parent shall have the child(ren) with him or her for special family events, such as weddings, funerals, and reunions, which pertain to members of the parents' immediate family (parents, grandparents, siblings and/or other children). Provided, however, that no such periods shall, without the other parent's prior consent, interfere with nor deprive a parent of his or her holiday, school break, special occasion, or out-of-town vacation periods with the child(ren). (School Break: Spring Vacation/Fall School Breaks (as specified above); Holidays: Christmas/Thanksgiving School Breaks/Easter Weekend/"Other School Holidays" (as specified above); Special Occasion: Child(ren)'s Birthday/Mother's Day Weekend/Father's Day Weekend/Parent's Birthday.)

The parent seeking to have the child(ren) with him or her for the special family event shall provide as much advance notice to the other parent as possible. When the event falls on a weeknight or weekend when the child(ren) would normally not be with the parent who wishes to take them to the special event, the parent shall attempt to agree to switch weeknights or weekends, as the case may be. If the parents cannot otherwise agree, the make-up time shall be the next following weeknight (if a weeknight is missed) or weekend (if weekend time is missed).

*s.* In the event the parent who does not reside with the child(ren) lives more than 150 miles from Madison County, Alabama, the Court's standard "150 Mile Visitation Schedule" shall apply.

## **11. PARENTING CLAUSES**

**a.** Both parties shall have reasonable telephone access to the minor children while they are in the physical control of the other parent. The minor children shall also have reasonable telephone access to both parties at reasonable times.

**b.** At all times hereafter, each parent shall keep the other informed of the respective business, cellular and home telephone numbers and their respective street address, mailing addresses and electronic mail address unless leave of court is granted. Both parties will make themselves available for direct communications with the other for the purposes of discussion pertaining to the minor children; provided, however, neither parent will harass or burden the other with excessive or abusive telephone calls, or any other such non-productive communication.

Further, both parents shall refrain from delegating their responsibility of communicating with the other parent to third parties, except in bona fide emergencies, and will at reasonable times and places make themselves available to communicate directly with the other parent pertaining to the needs and interest of the children. If agreed upon by both parents, electronic mail services such as "the Wizard" or "Google calendar" may be used to track communications and share appointments and events between parents.

c. The parties shall promptly notify each other in the event of serious illness or injury of the minor children.

d. Both parents shall encourage the minor children to love, respect and honor the other parent. Neither of them shall alienate or attempt to alienate or diminish the affection of the minor children for the other parent, or disparage or allow others to disparage the other parent to or in the presence of the minor children. The parties understand and agree that the designations of "father" and "mother", or similar designations, shall refer to each of them only and not to third parties.

e. Neither parent shall schedule activities for the minor children which will preclude the other from having the minor children with him or her at the times and places set forth herein. In the event, however, that it is necessary to schedule activities that may be in conflict with visitation schedules, the parties shall jointly confer and make joint decisions concerning those activities. It shall be the sole responsibility of the parent who is either visiting or has physical custody of the minor children to transport them to those activities. The scheduling of activities shall not be utilized to deprive a noncustodial parent of visitation.

f. Both parents shall have equal access to all information concerning the children, including but not limited to medical, dental, and hospital records, school records, report cards, recreational activity records, and other information concerning the minor child(ren). If information is available online, the custodial parent shall provide the non-custodial parent with the information necessary to establish a user name and password for school and extracurricular activities which use online communication as the means of communicating with the parent. In the event that only paper communication is available and duplicate notifications cannot be obtained through the school, should either parent receive a school calendar, parent-teacher conference notice, and/or the report card of the children, the parent receiving such shall provide the other parent with a copy thereof immediately. In event that a parent enrolls a child in a sporting or extracurricular activity, that parent shall provide the same information with regard to the other parent that the parent provides regarding himself or herself.

g. The custodial parent shall see to it that the minor children are provided with a sufficient amount of clean clothes to be utilized by them during the noncustodial parent's visitation, and anything needed by the children for school and/or activities, including school books, uniforms, sporting equipment, etc. The non-custodial parent shall, likewise, see to it that all of said clothing and other materials are returned with the minor children after the visitation.

h. Both parents agree that they shall discuss and consider the wishes of the other parent in all major decisions to be made regarding the minor children, including but not limited to medical, dental, religious, educational and recreational activities. Provided, however, that in the event of a dispute between the parties, the custodial parent shall make the final decision on any such issue.

- i.** The party in whose care the minor children are then being kept shall be authorized to make and decide medical emergency decisions concerning said minor children. In the event such an emergency medical decision should arise, the party then in physical custody of the children shall notify and consult the other party, as time may reasonably allow, governing any such emergency.
- j.** Neither party shall use illegal drugs, prescription drugs not as prescribed, nor be impaired by the use of alcohol, during any time that a child(ren) of the parties is in his or her care.
- k.** During any period of overnight visitation and/or exercise of custody with the parties' minor child(ren), neither party shall allow any person to whom he or she is not related by blood or marriage, and with whom he or she is involved in a romantic and/or sexual relationship, to stay overnight in the same place with the parties' child(ren).
- l.** The Court expects children to be insulated to the fullest extent possible from the conflict between their parents. They should not be made to be confidants of a parent, and should be encouraged to love, honor and respect both parents and their respective families. Parents should act accordingly in the presence of the children.
- m.** The Court expects both parents to have the opportunity to attend a child's medical and/or dental appointments, as well as a child's school and extracurricular activities, including parent-teacher conferences, school events, sporting events, etc. A parent scheduling any such appointment or receiving notice of such activities should give the same notice to the other parent as soon as received. Parents shall conduct themselves in a civil and appropriate manner at all such appointments and activities. Contact by the child with both parents at any such activity is encouraged and should be allowed.
- n.** Regardless of the custodial/visitation schedule, a parent shall be allowed to eat lunch with a child at school; provided, however, that all applicable school rules and requirements shall be followed.
- o.** The parent exercising custody and/or visitation overnight on a school night shall be responsible for making sure the child does homework, studies for any tests, and is otherwise prepared for school the next day, and shall be responsible for getting the child to school on time with whatever the child needs for that school day, including, but not limited to, lunch.
- p.** It is the desire of the Court that both parents work together to ensure that a child grows up as happy and well-adjusted as possible. It is important to the Court that a child of divorced parents is made to feel and understand that the divorce is not the child's fault; that just because the parents are divorcing, they are not divorcing the child; that the child has a lot of people who love the child; and that even though the parents will be living in separate homes, the child is still part of a family.
- q.** A parent shall not delegate his or her responsibility for communication with the other parent to a spouse of a parent or any other person unless both parties agree to communicate through the spouse or other person. A parent shall treat the spouse of a parent with the same civility and respect herein requested of a parent. Provided however, a spouse of a parent shall not attempt to interfere in communications or dealings between

a child's parents. A child shall be taught and encouraged by both parents to show respect to a spouse of a parent.

r. Alabama law requires each party in this action who has either custody of or the right of visitation with a child to notify other parties who have custody of or the right of visitation with a child of any change in his or her address or telephone number, or both, and of any change or proposed change of principal residence and telephone number or numbers of a child. This is a continuing duty and remains in effect as to each child subject to the custody or visitation provisions of this decree until such child reaches the age of majority or become emancipated and for so long as you are entitled to custody of or visitation with a child covered by this order. If there is to be a change of principal residence by you or by a child subject to the custody or visitation provisions of this order, you must provide the following information to each other person who has custody or visitation rights under this decree as follows:

- (a) The intended new residence, including the specific street address, if known.
- (b) The mailing address, if not the same as the street address.
- (c) The telephone number or numbers at such residence, if known.
- (d) If applicable, the name, address, and telephone number of the school to be attended by a child, if known.
- (e) The date of the intended change of principal residence of a child.
- (f) A statement of the specific reasons for the proposed change of principal residence of a child, if applicable.
- (g) A proposal for a revised schedule of custody of or visitation with a child, if any.
- (h) Unless you are a member of the Armed Forces of the United States of America and are being transferred or relocated pursuant to a non-voluntary order of the government, a warning to the non-relocating person that an objection to the relocation must be made within 30 days of receipt of the notice or the relocation will be permitted.

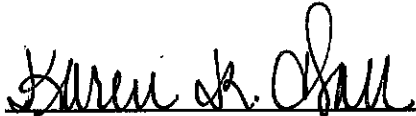
You must give notice by certified mail of the proposed change of principal residence on or before the 45<sup>th</sup> day before a proposed change of principal residence. If you do not know and cannot reasonably become aware of such information in sufficient time to provide a 45-day notice, you must give such notice by certified mail not later than the 10<sup>th</sup> day after the date that you obtain such information.

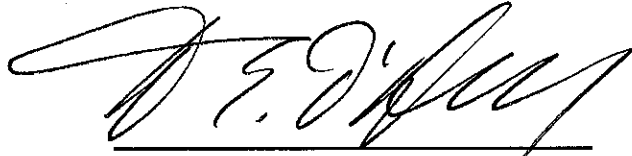
Your failure to notify other parties entitled to notice of your intent to change the principal residence of a child may be taken into account in a modification of the custody of or visitation with a child.

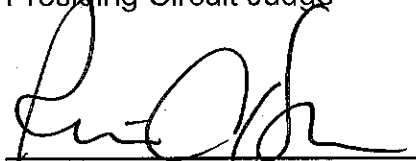



If you, as the non-relocating party, do not commence an action seeking a temporary or permanent order to prevent the change of principal residence of a child within 30 days after receipt of notice of the intent to change the principal residence of a child, the change of principal residence is authorized.

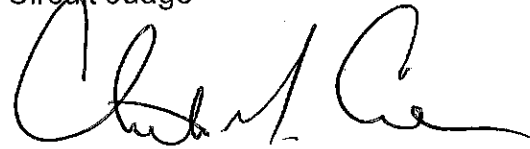
Done this the 30<sup>th</sup> day of April, 2015.

  
Honorable Karen K. Hall  
Presiding Circuit Judge


  
Honorable Dennis E. O'Dell  
Circuit Judge

  
Honorable Ruth Ann Hall  
Circuit Judge

  
Honorable Donna Pate  
Circuit Judge

  
Honorable Chris Comer  
Circuit Judge

  
Honorable Alan Mann  
Circuit Judge

  
Honorable Alison Austin  
Circuit Judge