

NO. 360-419539-07

IN THE INTEREST OF

RONALD J. TOYE

A CHILD

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§
§
§
§

IN THE DISTRICT COURT

360TH JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

PETITION TO MODIFY PARENT-CHILD RELATIONSHIP

1. *Discovery Level*

Discovery in this case is intended to be conducted under level 2 of rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

2. *Parties and Order to Be Modified*

This suit to modify a prior order is brought by RONALD J. TOYE, Petitioner. Petitioner is the father of the child and has standing to bring this suit. The requested modification will be in the best interest of the child. Respondent is ANDREA L. TOYE.

The order to be modified is entitled "*Final Decree of Divorce*" and was rendered on July 17, 2007.

3. *Jurisdiction*

This Court has continuing, exclusive jurisdiction of this suit.

4. *Child*

The following child is the subject of this suit:

Name: RONALD J. TOYE
Sex: Male
Birth date: 05/31/2004
County of residence: Tarrant

5. *Parties Affected*

The following parties may be affected by this suit:

FILED
TARRANT COUNTY
2009 DEC 14 PM 3:25
THOMAS A. WILDER
DISTRICT CLERK

Name: ANDREA L. TOYE
Relationship: Mother

Process should be served wherever she may be found.

6. *Health Insurance Information*

Information required by section 154.181(b) of the TEXAS FAMILY CODE is provided in the statement attached as *Exhibit "A"*.

7. *Child's Property*

There has been no change of consequence in the status of the child's property since the prior order was rendered.

8. *Modification of Conservatorship, Possession and Access*

The circumstances of the child, a conservator, or other party affected by the order to be modified have materially and substantially changed since the date of rendition of the order to be modified.

The conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months and this relinquishment was not during the conservator's military deployment, military mobilization, or temporary military duty.

Petitioner requests that he be appointed as the person who has the right to designate the primary residency of the child. Respondent should have a possession schedule that is in the child's best interests.

The requested modification is in the best interest of the child.

9. *Support*

The circumstances of the child or a person affected by the order have materially and

substantially changed since the date of the rendition of the order to be modified, as Respondent should be ordered to pay child support in accordance with Texas law including back child support. Petitioner requests that this change be made retroactive to the earlier of the time of service of citation on Respondent or the appearance of Respondent in this modification action. Additionally, Petitioner requests back child support. The requested modification is in the best interest of the child.

10. Request for Temporary Orders

Petitioner requests the Court, after notice and hearing, to make temporary orders for the safety and welfare of the child, including but not limited to the following:

Appointing Petitioner and Respondent temporary joint managing conservators and designating Petitioner as the conservator who has the exclusive right to designate the primary residence of the child. Respondent should have a possession schedule that is in the child's best interests.

Ordering Respondent to pay child support, and health insurance premiums for coverage on the child, and 50 percent of the child's uninsured medical expenses while this case is pending.

Ordering the preparation of a social study into the circumstances and condition of the child and the home of any person requesting conservatorship of, possession of, or access to the child.

Ordering the parties to participate in an alternative dispute resolution process before trial of this matter.

Ordering a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.

With regard to the requested temporary order for managing conservatorship, Petitioner would show the Court the following:

The child's conservator who has the exclusive right to designate the primary residence of the

child has voluntarily relinquished the primary care and possession of the child for more than six months, and the relinquishment was not during the conservator's military deployment, military mobilization, or temporary military duty. The requested temporary order is in the child's best interest.

11. Request for Temporary Restraining Order

Petitioner requests the Court to dispense with the necessity of a bond, and Petitioner requests that Respondent be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from:

Disturbing the peace of the child or of another party.

Withdrawing the child from enrollment in the school or day-care facility where the child is presently enrolled.

Hiding or secreting the child from Petitioner.

Making disparaging remarks regarding Petitioner or Petitioner's family in the presence or within the hearing of the child.

Consuming alcohol within the 12 hours before or during the period of possession of or access to the child.

Canceling, altering, failing to pay premiums, or in any manner affecting the present level of coverage of any health insurance policy insuring the child.

12. Request for Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of ANDREW J. ANDERSON, a licensed attorney, to preserve and protect the child's rights. Respondent should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Respondent and be ordered paid directly to Petitioner's

attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

13. *Vacation Letter*

Attached hereto is the undersigned attorney's vacation letter.

14. *Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations contained in this petition.

Petitioner prays that the Court immediately grant a temporary restraining order restraining Respondent, in conformity with the allegations of this petition, from the acts set forth above, and Petitioner prays that, after notice and hearing, this temporary restraining order be made a temporary injunction.

Petitioner prays that, on final hearing, the Court enter a permanent injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief.

Respectfully submitted,
ANDERSON LEGAL GROUP, P.C.
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Suite 208
Grapevine, Texas 76051
Tel: (817) 424-3405 METRO
Fax: 1 (866) 347-2944 TOLL-FREE

By: 

ANDREW J. ANDERSON
State Bar No. 24027196
Attorney for Petitioner

STATEMENT OF HEALTH INSURANCE AVAILABILITY

This statement is made in accordance with section 154.181 of the TEXAS FAMILY CODE.

1. *Child(ren)*

The following child is the subject of this suit:

Name(s):

Ronald Joseph Tye, IV

Birth date(s):

05/31/04

2. *Health Insurance Availability*

Private health insurance is in effect for the child(ren).

Name of insurance company:

Blue Cross Blue Shield

Policy number:

ESQ834240890

Party responsible for premium:

Ronald Joseph Tye, III

Monthly cost of premium:

\$ 145.94 total per month

Date:

12-7-09

Ronald Joseph Tye, III 
PARENT

ANDERSON LEGAL GROUP, P.C.

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ANDREW J. ANDERSON

Attorney and Counselor at Law

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Member, College of the STATE BAR OF TEXAS

Dear Sir or Madam:

I will be out of the office on vacation, firm business, State Bar related activities, and/or speaking engagements during the following periods:

December 22 through January 3, 2010 (Holiday and Vacation)

January 18, 2010 (Holiday)

February 15, 2010 (Holiday)

April 2, 2010 (Holiday)

May 31, 2010 (Holiday)

I respectfully request that you do not set any hearings or depositions, forward any discovery which requires a response, or set a trial during any of the foregoing periods or the day after. Thank you for your cooperation in this matter.

Very truly yours,

DICTATED

Andrew J. Anderson

AJA/hc