

Sent: Notice ☐ None Waiver: Y/N

Disp Partial: _____

Disp code: FMD / CLS _____

Redact pgs: 8

Judge Reith Clerk MB

DC BK11049 PG1874

NO. D-1-FM-05-000710

IN THE INTEREST OF

MARINA ZIMMERMAN

A CHILD

§ IN THE DISTRICT COURT

§

§

§

§

201ST JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

~~AGREED TEMPORARY INJUNCTION
RESTRAINING ORDER
AND ORDER SETTING HEARING FOR TEMPORARY ORDERS~~

Filed in The District Court
of Travis County, Texas

FEB 16 2011

At 10:49 A.M.
Amalia Rodriguez-Mendoza, Clerk

The application of Petitioner, KATERYNA BOCHENKOVA, for temporary restraining orders was presented to the Court today. The child the subject of this suit is MARINA ZIMMERMAN. Respondent is DONALD SHELLY ZIMMERMAN.

The Court examined the pleadings and supporting affidavits and finds that ~~the parties have agreed~~ ^{injunction} ~~Petitioner is entitled to a temporary restraining order.~~

IT IS THEREFORE ORDERED that ~~the clerk of this Court issue a temporary restraining order~~ ^{temporarily joined} ~~restraining Respondent, and Respondent is immediately restrained, from:~~

Contacting, or communicating with, the child the subject of this suit in person, by telephone or in writing.

Taking possession of the child.

Interfering with Petitioner's possession of the child.

Disturbing the peace of the child or of another party.

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

^{temporary injunction} ~~This restraining order~~ is effective immediately and shall continue in force and effect until further order of this Court, ~~or until it expires by operation of law.~~ This order shall be binding on Respondent; on Respondent's agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS FURTHER ORDERED that ~~the clerk shall issue notice to Respondent, DONALD SHELLY ZIMMERMAN, to appear, and Respondent Dalton a list of therapists who are participants in the parties' health insurance plans, in the event that the parties are unable to agree upon a therapist for the child, and Dr. Caryl Dalton will then select a therapist. The parties will cooperate in the child's therapy.~~ ^{parties shall submit to Dr. Caryl Dalton}

~~is ORDERED to appear in person, before this Court in the courthouse at 10th and Guadalupe Streets, Austin, Texas, on March 2, 2011 at 8:30 a.m. The purpose of the hearing is to determine whether, while this case is pending.~~

~~The preceding temporary restraining order should be made a temporary injunction pending final hearing.~~

~~The additional temporary injunction prayed for should be granted. The parties v. The case will be scheduled for a temporary orders hearing on May 2, 2011 at 8:30.~~


~~Respondent should be denied access to the child or, alternatively, the Court should render a possession order providing that Respondent's periods of visitation be continuously supervised.~~

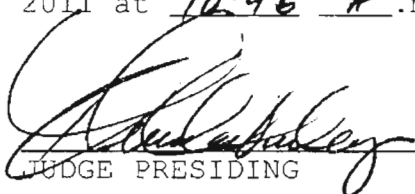
~~The Court should order Respondent to pay reasonable interim attorney's fees and expenses.~~

~~The Court should make all other and further orders that are pleaded for or that are deemed necessary for the safety and welfare of the child.~~

IT IS FURTHER ORDERED that any authorized person eighteen years of age or older who is not a party to or interested in the outcome of this suit may serve any citation, notice, or process in this case.

SIGNED on February 16, 2011 at 10:46 a.m.


LISA DeLONG, SB# 05653050
Attorney for Petitioner


JUDGE PRESIDING

Cecilia M. Wood
Attorney for Respondent
State Bar 21885100

Filed in The District Court
of Travis County, Texas

FEB 16 2011 JA

At 11:26 AM
Amalia Rodriguez-Mendoza, Clerk

NO. D-1-FM-05-000710

IN THE INTEREST OF
MARINA ZIMMERMAN
A CHILD

§ IN THE DISTRICT COURT
§
§ 201ST JUDICIAL DISTRICT
§
§ TRAVIS 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 KATERYNA BOCHENKOVA, Petitioner. The last three numbers of KATERYNA BOCHENKOVA's driver's license number are 925. The last three numbers of KATERYNA BOCHENKOVA's Social Security number are 902. Petitioner is the mother of the child and has standing to bring this suit. The requested modification will be in the best interest of the child.

Respondent is DONALD SHELLY ZIMMERMAN.

The orders to be modified are entitled "Final Decree of Divorce", rendered on May 27, 2005, and "Order in Suit to Modify Parent-Child Relationship", announced in open court on August 3, 2010.

3. *Jurisdiction*

This Court has continuing, exclusive jurisdiction of this suit.

4. *Child*

The following child is the subject of this suit:

Name: MARINA ZIMMERMAN

Sex: Female

Birth date: [REDACTED]

County of residence: Travis

5. *Parties Affected*

The following parties may be affected by this suit:

Name: DONALD SHELLY ZIMMERMAN

Relationship: father



Process should be served on Respondent at 10901 Enchanted Rock Cove, Austin, Texas 78726 or wherever he may be found.

6. *Child's Property*

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

7. *Modification of Conservatorship, Possession and Access*

The most recent order to be modified is not based on a mediated or collaborative law settlement agreement. The circumstances of the child, a conservator, or other party affected by the orders to be modified have materially and substantially changed since the date of rendition of the orders to be modified.

Petitioner requests that the rights and duties of the respective conservators of the child be modified to provide as follows: Petitioner should be granted the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures and to consent to psychiatric and psychological treatment of the child and the exclusive right to make educational decisions concerning the child's education.

Petitioner requests that the terms and conditions for access to or possession of the child be modified to require that Respondent's periods of possession of the child be continuously supervised.

Respondent has a history or pattern of physical and emotional abuse directed against Marina Zimmerman. Petitioner requests the Court to deny Respondent access to the child. Alternatively, Petitioner requests that the Court render a possession order that provides that Respondent's periods of visitation be continuously supervised by an entity or person chosen by the Court.

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

8. *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:

Denying Respondent access to the child or, alternatively, rendering a possession order providing that Respondent's periods of visitation be continuously supervised.

Ordering Respondent to attend parenting classes and anger management classes.

Ordering Respondent to pay reasonable interim attorney's fees and expenses.

9. *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.

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct stated in the affidavit attached as Exhibit A. Based on that affidavit, Petitioner requests the Court to grant the following relief:

Issue an order excluding Respondent from possession of or access to the child, MARINA ZIMMERMAN.

10. *Request for Permanent Injunction*

Petitioner requests the Court, after trial on the merits, to grant the following permanent injunction:

- a. Prohibiting Respondent from using any form of corporal punishment to discipline the child.

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

It was necessary for Petitioner to secure the services of Lisa DeLong, 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

12. *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,


Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 

Lisa DeLong
State Bar No. 05653050
Attorney for Petitioner

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on February 14, 2011.



Lisa DeLong
Attorney for KATERYNA BOCHENKOVA

NO. D-1-FM-05-000710

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
MARINA ZIMMERMAN	§	201ST JUDICIAL DISTRICT
	§	
A CHILD	§	TRAVIS COUNTY, TEXAS

PETITIONER'S SUPPORTING AFFIDAVIT

Eric "Ani" Fox appeared in person before me today and stated under oath:

"My name is Eric "Ani" Fox. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the step-father of the child the subject of this suit.

"On 2/11/11 My wife received a phone call from Marina our 12 year old daughter and it sounded like she was in the middle of an argument with Don Zimmerman, her father - Katya put the phone on speaker after she heard screaming. Marina start asking "May I please have my phone back, may I please have my phone back, may I please have my phone back..." I heard Don respond with "I can't hear you, I can't hear, you need to shut up, shut up." Both of us heard Don shout, "Shut up! Go to your room! You're not getting your phone back! Go to your room! You need to go now or you're going to get hit! Go, go, you brat!" Then I heard some scuffling noises and the phone going dead. "Marina then sent an email to me, her mother and her father: (enclosed below)

from M B <dragoncat21@gmail.com>
to Mama <katushinka@gmail.com>,
Ani <grakfox@gmail.com>,
Don <don@donzimmerman.org>
date Fri, Feb 11, 2011 at 9:32 AM
subject hello don

hello don. You just took my phone away by force, and pushed me around, told me to shut up, pulled my hair and called me a brat. And i want my phone back

"When Marina returned home at 10am I saw that she was crying - I was the first person she saw and spoke to. I saw that she had a red mark on her forehead. I was told by Marina that her father had ripped off her hat, thrown it at her and in the process torn out some of her hair. I was told by Marina that she was sore in several spots on her chest and back because her father had "smashed me into a wall and the microwave." She told me that she was waiting to go, heating up food for the car ride when Don got angry she had not eaten breakfast and ordered her to sit on the couch. I was told by marina that Don said, "You always want everyone to wait on you, now you will wait for me. You want everything your way." She told me she then sat and started texting her mother when "Don exploded, started screaming and "wrenched the phone from my hands." She told me that she followed him to the kitchen asking for her phone back. Marina told me that her father grabbed her by the front of her coat, shook her while screaming, slammed her into a wall and the couch. I saw her shake with fear and cry when she described this. I saw that she appeared to be in shock - I saw unfocused

eyes, slurred speech, rapid breathing and confusion. I was told by Marina that her father ripped her hat off pulling her hair and threw it at her. She told me that he said "have no respect and you just want everyone to do what you want". She told me that he then threatened to hit her by raising his fist. I was told by Marina that he then pushed her onto the couch and yelled, "Go to your room you brat!" while raising his arm. I had previously heard him say this which included his threat to hit her.

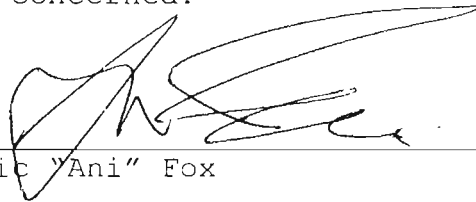
"I was told by Marina that Don had "cornered me in the car and started screaming." I was told he called her "arrogant stupid crazy and useless." She told me that he also told her "she was worse than two year old." I saw that Marina started to dissociate while speaking - here eyes glazed over and she stopped midsentence, looking like she was going to faint. I heard her moan. After about a minute Marina told me that at some point while driving her home her father had yelled at her and she told me he said "that I just wanted to push a physical confrontation so I could take him to court." I saw that Marina started to shake and cry when she remembered. I was told by Marina that she felt like "he was going to break my arm or something" because "his face changed and he was like a different person."

"I saw that within an hour she had developed a serious limp and had problems putting weight on her right leg. I heard her complain to her mother that she was in pain and I heard her say "Please don't send me back, he'll hurt me again."

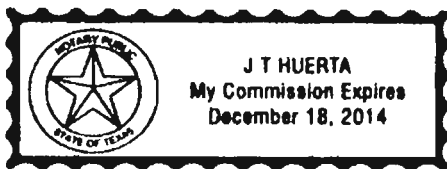
As I had in the last two incidents where Don had become physically violent, I took her to the doctor who examined her and asked questions. At the doctor's office I heard her tell

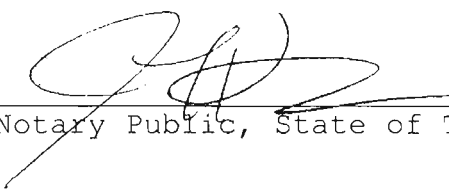
Doctor Neitsch that she felt threatened and "he said he would kill me." I heard the Doctor ask again if "you father said that? He said "he'd kill you." I heard Marina say "yes" and I saw that she was trembling. I saw and heard Doctor Neitsch recommending to my wife immediate legal action and I heard her say that "CPS might not act quickly enough," that she believed this was significant abuse and that "this is how people get killed. Take care of this now." I heard her ask Marina if she wanted to go back. Marina told her "no, not ever." I heard her ask Marina if she wanted to "ever see your Dad again" and I heard Marina respond "like once a month but with my Mom watching so he doesn't hit me."

"I saw and heard Doctor Neitsch remind my wife that this "is the third visit and it's getting worse fast." I heard her tell me and my wife, "take care of this now because CPS will not intervene in time and he is dangerous." I also heard her say "I will call CPS." I saw and heard her go over the previous visits where Marina had bruises on her arms, shins and shoulders. I heard her say "the whole demonic possession thing is really scary" and I saw she looked very concerned."


Eric "Ani" Fox

SIGNED under oath before me on 2/19/11.




Notary Public, State of Texas

NO. D-1-FM-05-000710

IN THE INTEREST OF

MARINA ZIMMERMAN

A CHILD

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IN THE DISTRICT COURT

201ST JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR BUSINESS RECORDS

Jennifer Prinz appeared before me today and stated under oath:

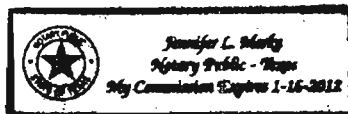
"My name is Jennifer Prinz. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the custodian of the records of Dr. Deborah Neitsch, M.D. Attached to this affidavit are 5 pages of records from Dr. Deborah Neitsch, M.D. These pages of records are kept by Dr. Deborah Neitsch, M.D. in the regular course of business, and it was the regular course of business of Dr. Deborah Neitsch, M.D. for an employee or representative of Dr. Deborah Neitsch, M.D., with knowledge of the act, event, condition, opinion, or diagnosis recorded, to make the record or to transmit information thereof to be included in the record. The record was made at or near the time or reasonably soon thereafter. The records attached to this affidavit are the original or exact duplicates of the original."

Jennifer Prinz
Affiant

SIGNED under oath before me on February 14th, 2011.

Jennifer L. Marky
Notary Public, State of Texas



Progress Note

Patient: Zimmerman, Marina
DOB: [REDACTED] **Age:** 12 Y **Sex:** Female
Phone: [REDACTED]
Address: 10622 Claywood Dr, Austin, Tx-78753

Provider: Deborah Neitsch, MD
Date: 01/24/2011

Subjective:**CC:**

1. bruise on arm, parents already called CPS.

HPI:Dermatology:

Pt is brought in after getting a bruise on her arm. There are concerns that her father is being physically and emotionally abusive to her when she is visiting him. This weekend, he took away her cell phone and when she was asking why, he picked her up and put her in a loft bed. He has been physically forceful with her in the past but CPS won't investigate the case until there is signs of force. the arm doesn't hurt that bad but they needed this evaluated by a physician to have the case investigated. The patient wants to stay with her mom full time and states she does not feel comfortable visiting her dad. Her dad at this visit with him was yelling at her that she had demons that needed to be expelled per Marina.

ROS:General ROS:

Skin changes bruises.

Family History:**Social History:**

Medications: None

Allergies: PCN.

Objective:

Vitals: Wt 84, Temp 98.6, BP 102/60, HR 74.

Past Orders:**Examination:****Physical Examination:**GENERAL:

General Appearance: well-appearing, no acute distress. Hygiene: good. Mental Status: alert and oriented. Mood/Affect: sad, flat affect. Speech: clear.

NECK:

General: supple, normal ROM but with diffuse spasms in the left trapezius that was tender upon palpation. No bruises noted on back or neck..

MUSCULOSKELETAL:

Arm: 2cm round bruise on ulnar aspect of distal forearm. Nontender with full range of motion., no swelling, .

Assessment:**Assessment:**

1. Contusion of arm NOS - 923.9 (Primary)
very minor bruise of right forearm.

Plan:**1. Contusion of arm NOS**

We will contact the CPS caseworker that is in charge of her case. No serious injury seems to have occurred but I worry about the psychological toll on her.

Immunizations:

Labs:**Preventive:****Follow Up:** 4 Weeks**Provider:** Deborah Neitsch, MD**Patient:** Zimmerman, Marina **DOB:** [REDACTED] **Date:** 01/24/2011**Electronically signed by Deborah Neitsch on 01/25/2011 at 12:50 PM CST****Sign off status:** Completed

Progress Note

Patient: Zimmerman, Marina
DOB: [REDACTED] **Age:** 12 Y **Sex:** Female
Phone: [REDACTED]
Address: 10622 Claywood Dr, Austin, Tx-78753

Provider: Deborah Neitsch, MD
Date: 01/28/2011

Subjective:**CC:**

1. Another bruise.

HPI:

*****:

Pt is here to follow up on a bruise she had after going to her dad's. He wanted to take her phone away and she walked away and he grabbed her shoulder and spun her around and pushed her backwards. She didn't fall backwards. He pushed her from behind as well and now she has a bruise on the left scapula.

her neck is stiff after he pushed her over the weekend.

Psychology:

Pt states she is scared of her dad and he tries to control her, not be her parent.

Family History:**Social History:**

Medications: None

Allergies: PCN.

Objective:

Vitals: Wt 84, Temp 98.4, BP 108/72, HR 71.

Past Orders:**Examination:****Physical Examination:****GENERAL:**

General Appearance: well-appearing, no acute distress.

BACK:

Spine: unremarkable. Tenderness: paraspinal muscles. Spasm: cervical muscle spasm, left, upper, mild. ROM: FROM without pain.

Small linear scar on her back near the left scapula.

Assessment:**Assessment:**

1. Contusion of arm NOS - 923.9 (Primary)
2. Strain of unspecified site - 848.9

Plan:**1. Contusion of arm NOS**

continued concerns of her dad being physically forceful with her. I recommended ibuprofen and heat to the neck. will keep document for CPS case worker.

Immunizations:**Labs:****Preventive:**

Follow Up: prn

Provider: Deborah Neitsch, MD
Patient: Zimmerman, Marina **DOB:** [REDACTED] **Date:** 01/28/2011

Electronically signed by Deborah Neitsch on 01/31/2011 at 09:31 AM CST
Sign off status: Completed

Patient: Zimmerman, Marina
DOB: [REDACTED] **Age:** 12 Y **Sex:** Female
Phone: [REDACTED]
Address: 10622 Claywood Dr, Austin, Tx-78753

Provider: Deborah Neitsch, MD
Date: 02/11/2011

Subjective:**CC:**

1. Suspected Abuse, pulled hair, slapped on her face .

HPI:

*:
-:

Pt is here brought by her mom and step farther. Her dad was harsh with her yesterday and pushed her against the microwave and now she has right hip pain and right shoulder pain. She has not bruizing associated with the forceful even related to the argument. Her dad has been yelling at her and threatened to hit her but didn't. He has threatened to kill her and she has fears of shooting her. She has a history of passive suicidal ideation but has not gone back to that yet. Her parents are worried she needs therapy but her dad refuses. She has been having nightmares. She has been having bed wetting after she is traumatized by a visit with him.

ROS:General ROS:

Musculoskeletal complaints yes. Psychiatric complaints yes.

Family History:**Social History:**

Medications: None

Allergies: PCN.

Objective:

Vitals: Temp 98.1, BP 108/65, HR 72.

Examination:**Physical Examination:**NECK:

Muscles: tender spasms in the traps, painful ROM, right-sided.

MUSCULOSKELETAL:

Hip: hip flexion intact, pain to medial rotate. Pt having difficulty bearing weight on the right hip. .

Assessment:**Assessment:**

1. Strain of unspecified site - 848.9 (Primary)
2. ABUSE BY FATHER/STEPFATHER/BF - E967.0
greater than 50% of 30 min exam visit was in counseling.

Plan:**1. Strain of unspecified site**

concerns of abuse with hip and shoulder strain. Recommended if CPS does not intervene that this could lead to a life threatening situation. I recommend they pursue legal full custody as soon as possible. We will contact CPS about the situation. She will be with her mom this weekend so we will contact them monday.

Immunizations:**Labs:**

Preventive: Counseling: Domestic violence , warned this was the most common cause of homicide in Texas and in our area and needs to be taken seriously. the situation seems to be escalating quickly due to CPS investigation.

Follow Up: prn

Provider: Deborah Neitsch, MD

Patient: Zimmerman, Marina **DOB:** [REDACTED] **Date:** 02/11/2011

Electronically signed by Deborah Neitsch on 02/14/2011 at 01:14 PM CST

Sign off status: Pending

APR 14 2011 JA

At 9:03 AM
Amalia Rodriguez-Mendoza, ClerkNO. D-1-FM-05-000710

IN THE INTEREST OF

MARINA ZIMMERMAN

A CHILD

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IN THE DISTRICT COURT

201ST JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

NOTICE OF FILING OF BUSINESS RECORDS AFFIDAVIT

To: DONALD SHELLY ZIMMERMAN, by and through his attorney of record, Cecilia M. Wood, 1122 Colorado Street, #2301, Austin, Texas 78701.

Pursuant to Rule 902(10) of the Texas Rules of Evidence, you are hereby notified that an affidavit for business records, along with 5 pages of records from Deborah Neitsch, MD, and made by Jennifer Prinz, custodian of the records of Dr. Neitsch has been filed in this matter. All records supported by the affidavit are available for inspection and copying at 3009 North IH-35, Austin, Texas 78722.

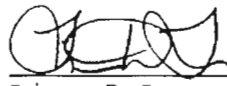
Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 

Lisa DeLong
State Bar No. 05653050
Attorney for Petitioner

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on February 14, 2011 and faxed on April 8, 2011.



Lisa DeLong
Attorney for Petitioner



001975257

Filed in The District Court
of Travis County, Texas

APR 14 2011 JA

At 9:03 AM
Amalia Rodriguez-Mendoza, Clerk

NO. D-1-FM-05-000710

IN THE INTEREST OF

MARINA ZIMMERMAN

A CHILD

§ IN THE DISTRICT COURT
§
§ 201ST JUDICIAL DISTRICT
§
§ TRAVIS COUNTY, TEXAS

MOTION FOR JUDGE TO CONFER WITH CHILD

This Motion for Judge to Confer with Child is brought by KATERYNA BOCHENKOVA, Petitioner, who shows in support:

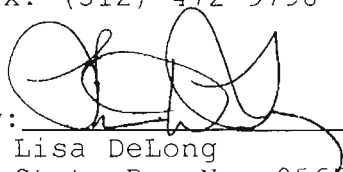
1. The issue of possession of the child in this case is contested. The child is: MARINA ZIMMERMAN, age 12 years

2. For the purpose of determining the best interest of the child, KATERYNA BOCHENKOVA requests the Court to confer with the child, in chambers, to determine the child's wishes as to possession. KATERYNA BOCHENKOVA requests the Court to interview the child without the presence of counsel.

KATERYNA BOCHENKOVA prays that the Court grant the Motion for Judge to Confer with Child.

Respectfully submitted,

Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 

Lisa DeLong
State Bar No. 05663050
Attorney for KATERYNA BOCHENKOVA



Notice of Hearing

The above motion is set for hearing on May 2, 2011 at 8:30 a.m. in the Family Law Docket, Travis County Courthouse, 10th and Guadalupe Streets, Austin, Texas.

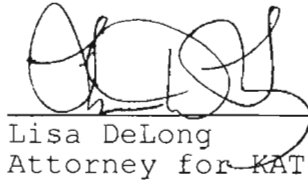
SIGNED on 4/8/2011.



Lisa DeLong

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on April 8, 2011.



Lisa DeLong
Attorney for ~~KATERYNA BOCHENKOVA~~

NO. D-1-FM-05-000710

IN THE INTEREST OF

MARINA ZIMMERMAN

A CHILD

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IN THE DISTRICT COURT

201ST JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

Filed in Court
of Travis County, TexasMAY 17 2011
11:00 AM
Landoza, Clerk**SUPPLEMENTAL MOTION FOR TEMPORARY ORDERS**

Petitioner, KATERYNA BOCHENKOVA, files this her Supplemental Motion for Temporary Orders and, in support thereof, would show the Court as follows:

1. The parenting facilitator previously appointed by the Court in this case, has become unable to perform the duties required of her. Petitioner requests that the Court appoint a new parenting facilitator from among those facilitators who participate in the child's health insurance plan.

2. The parties have been unable to agree upon a new therapist for the child and the previously appointed parenting facilitator has been unable to recommend someone. Petitioner requests that the new parenting facilitator appointed by the Court select a therapist for the child from among those therapists who are providers participating in the child's health insurance policy.

Petitioner requests the Court to make all other and further orders that are pleaded for or that are deemed necessary for the safety and welfare of the child.

Respectfully submitted,

Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 

Lisa DeLong
State Bar No. 05653050
Attorney for Petitioner



002020693

Notice of Hearing

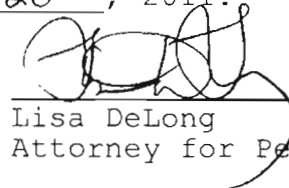
This case is set for hearing on temporary orders on May 2, 2011 at 8:30 a.m.



Lisa DeLong

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on April 20, 2011.



Lisa DeLong
Attorney for Petitioner

NO. D-1-FM-05-000710

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
MARINA ZIMMERMAN	§	201ST JUDICIAL DISTRICT
	§	
A MINOR CHILD	§	TRAVIS COUNTY, TEXAS

ORDER ON SUPPLEMENTAL MOTION FOR TEMPORARY ORDERS

On June 1, 2011, the Court considered the Supplemental Motion for Temporary Orders filed by KATERYNA BOCHENKOVA. The Court finds that there is good cause to appoint a therapist for the child the subject of this suit. The Court further finds that if Caryl Dalton is still unavailable to serve as a parenting facilitator for the parties as of July 31, 2011, then she will be removed as parenting facilitator and the parties shall select a new parenting facilitator. If the parties are unable to agree upon a new parenting facilitator, then the Court will select and appoint one upon the request of either or both of the parties.

IT IS THEREFORE ORDERED that Latha Iyengar, LCSW, 4131 Spicewood Springs Road, Austin, Texas 78759, (512) 250-1441, is appointed as therapist for Marina Zimmerman, the child the subject of this suit.

IT IS FURTHER ORDERED that if Caryl Dalton is unavailable to serve as a parenting facilitator for the parties as of July 31, 2011, then she will be removed as parenting facilitator effective July 31, 2011. The new parenting facilitator will be selected by the parties; however, if they are unable to reach an agreement, the Court will appoint a new parenting facilitator upon the request of either or both of the parties.

SIGNED on June 8, 2011.

Filed in The District Court
of Travis County, Texas

Judge Cheryl Sgo
JUDGE PRESIDING

JUN 09 2011

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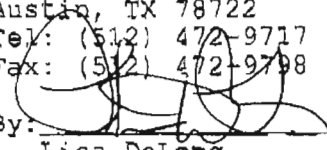
at 252 p.m.
Amalia Rodriguez-Mendoza, Clerk



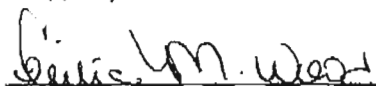
002053253

APPROVED AS TO FORM ONLY:

Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 
Lisa DeLong
State Bar No. 05653050
Attorney for Respondent

Law Offices of Cecilia M. Wood
1122 Colorado Street, Ste. 100B
Austin, Texas 78701
Tel: (512) 708-8783
Fax: (512) 708-8787

By: 
Cecilia M. Wood
State Bar No. 21885100
Attorney for Petitioner

Filed in The District Court
of Travis County, Texas

ER JAN 13 2012

At 2:26 P.M.
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-FM-05-00710

IN THE INTEREST OF

*

IN THE DISTRICT COURT

*

MARINA ZIMMERMAN,

*

TRAVIS COUNTY, TEXAS

*

A MINOR CHILD

*

201ST JUDICIAL DISTRICT**MOTION FOR WITHDRAWAL OF COUNSEL**

TO THE HONORABLE JUDGE OF SAID COURT:

This Motion for Withdrawal of Counsel is brought by Cecilia M. Wood, who is attorney of record for DONALD ZIMMERMAN. Cecilia M. Wood requests the Court to grant her permission to withdraw as attorney for DONALD ZIMMERMAN in this case. In support, Cecilia M. Wood shows:

Good cause exists for withdrawal of Cecilia M. Wood as counsel, in that DONALD ZIMMERMAN has informed Cecilia M. Wood that he no longer desires her services.

A copy of this motion has been delivered to DONALD ZIMMERMAN, who is hereby notified in writing of his right to object to this motion.

DONALD ZIMMERMAN has consented to the motion.

The last known address of DONALD ZIMMERMAN is 10901 Enchanted Rock Cove, Austin, Texas 78726.

There are no hearings currently scheduled as of the filing of this motion.

No discovery has been tendered.

There are no other pending deadlines.

Notice to Client

You are hereby notified that this Motion for Withdrawal of Counsel is set for hearing at the time and place stated below. You do not have to agree to this motion. If you wish to contest the

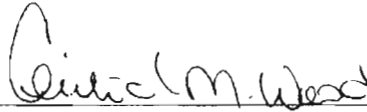


002336460

withdrawal of Cecilia M. Wood as your attorney, you should appear at the hearing. If you do not oppose Cecilia M. Wood's withdrawal as your attorney, you may notify Cecilia M. Wood in writing of your consent to this motion.

Cecilia M. Wood prays that the Court enter an order discharging her as attorney of record for DONALD ZIMMERMAN.

Respectfully submitted,



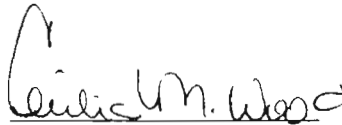
CECILIA M. WOOD
ATTORNEY AND COUNSELOR AT LAW, P. C.
1122 Colorado Street, Suite 100B
Austin, Texas 78701
Telephone No.: 512-708-8783
Facsimile No.: 512-708-8787
State Bar No. 21885100
Attorney for Petitioner

NOTICE OF HEARING

The hearing on the Motion to Withdraw is set for 8:30 a.m. on January 26, 2012, on the Associate Judge's Docket, 1000 Guadalupe, Austin, Texas 78701.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct of the foregoing document was delivered to Ms. Lisa DeLong, Attorney at Law, 3009 North IH-35, Austin, Texas 78722 on the 13th day of January, 2012, in accordance with the Texas Rules of Civil Procedure.



CECILIA M. WOOD
ATTORNEY AND COUNSELOR AT LAW, P.C.
Attorney for Petitioner

CAUSE NO. D-1-FM-05-00710

IN THE INTEREST OF
MARINA ZIMMERMAN,
A MINOR CHILD

*
*
*
*
*

IN THE DISTRICT COURT
TRAVIS COUNTY, TEXAS
201ST JUDICIAL DISTRICT

Filed in The District Court
of Travis County, Texas

JL JAN 26 2012

At 8:43 AM
Amalia Rodriguez-Mendoza, Clerk

ORDER ON MOTION FOR WITHDRAWAL OF COUNSEL

On the 26 day of Jan, 2012 the Court considered the Motion for Withdrawal of Counsel of Cecilia M. Wood.

The Court finds that good cause exists for withdrawal of Cecilia M. Wood as counsel.

The Court finds that DONALD ZIMMERMAN has agreed to the entry of this Order as evidenced by his signature below.

There is a Motion to Enter scheduled in this cause for 8:30 a.m. on January 26, 2012.

DONALD ZIMMERMAN has been notified of this hearing.

There are no other pending deadlines.


The Court finds that the last known mailing address of DONALD ZIMMERMAN is 10901 Enchanted Rock Cove, Austin, Texas 78726 and ORDERS that all notices in this case shall be either delivered to DONALD ZIMMERMAN at that address by both certified and regular first-class mail.

The Court orders that Cecilia M. Wood immediately notify DONALD ZIMMERMAN in writing of any additional settings or deadlines of which Cecilia M. Wood now has knowledge and has not already notified DONALD ZIMMERMAN.

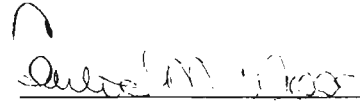
SIGNED this 26 day of Jan, 2012.


JUDGE PRESIDING

APPROVED AS TO FORM ONLY:



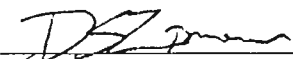
LISA DELONG
Attorney for Petitioner
State Bar No. 05653050



CECILIA M. WOOD
Attorney for Respondent
State Bar No. 21885100

APPROVED AS TO FORM AND SUBSTANCE:

KATYA BOTCHENKOVA
Petitioner



DONALD ZIMMERMAN
Respondent

No. D-1-FM-05-000710

In the Interest of
Marina Zimmerman, a child

In the 201st District Court
Travis County, Texas

**Respondent's Motion
to Enter Final Order
re: Temporary Orders of Feb. 16, 2011**

To the Honorable Judge of Said Court:

Now Comes Respondent, Donald Zimmerman, and moves this Court to enter into a final order regarding its temporary orders of June 8, 2011. Respondent submits:

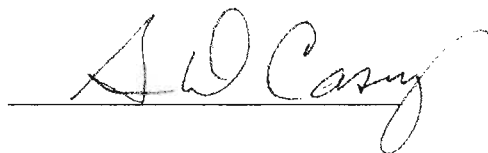
1. Respondent's relationship with the minor child has become fairly non-existent.
2. The injunctive nature of the current temporary orders, based on the nature of the relationship, is not necessary.
3. This Court resolved the issues regarding counseling based on the previous order of June 8, 2011. To this day, Respondent has not received any response to his extension and availability to pursue a relationship with his daughter.
4. Respondent remains willing and able to communicate, but until it is initiated by the minor child, there is no interaction and thus no need for any further injunctive relief beyond what was already resolved in the final decree. There has been no contact for a significant period of time.
5. Respondent requests this Court issue a final order to resolve the current temporary orders and remove the current injunction.

WHEREFORE, PREMISES CONSIDERED, Respondent requests that:

6. A final order be issued that resolves the temporary orders currently on file;
7. Such other further relief to which Respondent may be entitled at law or in equity.

Respectfully submitted,

CASEY LAW OFFICE, P.C.



Stephen Casey
Texas Bar No. 24065015


600 Round Rock West Drive, Suite 602
Round Rock, Texas 78681
Telephone: 512-257-1324
Fax: 512-853-4098
stephen@caseylawoffice.us

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Respondent's Motion for Final Order was served upon opposing parties by the manner and method indicated below on this day, March 10, 2014.

Via fax

Lisa De Long Law Offices
3009 N Interstate Highway 35,
Austin, TX 78722
Fax: 512-472-9798



Stephen Casey; Counsel for Don Zimmerman

NO. D-1-FM-05-000710

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
M.Z.,	§	201ST JUDICIAL DISTRICT
	§	
A CHILD	§	TRAVIS COUNTY, TEXAS

**FIRST AMENDED PETITION TO MODIFY PARENT-CHILD RELATIONSHIP
AND TO CONFIRM MEDICAL SUPPORT ARREARAGE**

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 KATERYNA BOCHENKOVA, Petitioner. The last three numbers of KATERYNA BOCHENKOVA's driver's license number are *REDACTED*. The last three numbers of KATERYNA BOCHENKOVA's Social Security number are *REDACTED*. Petitioner is the mother of the child and has standing to bring this suit. The requested modification will be in the best interest of the child.

Respondent is DONALD SHELLY ZIMMERMAN.

The orders to be modified are entitled "Final Decree of Divorce", rendered on May 27, 2005, and "Order in Suit to Modify Parent-Child Relationship", announced in open court on August 3, 2010.

3. *Jurisdiction*

This Court has continuing, exclusive jurisdiction of this suit.

4. *Child*

The following child is the subject of this suit:

Name: M.Z.

Sex: Female

Birth date: *REDACTED*

County of residence: Travis

5. *Parties Affected*

The following parties may be affected by this suit:

Name: DONALD SHELLY ZIMMERMAN

Relationship: father

Process may be served upon Respondent's attorney of record, Stephen Casey.

6. *Child's Property*

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

7. *Modification of Conservatorship, Possession and Access*

The most recent order to be modified is not based on a mediated or collaborative law settlement agreement. The circumstances of the child, a conservator, or other party affected by the orders to be modified have materially and substantially changed since the date of rendition of the orders to be modified.

Petitioner requests that the rights and duties of the respective conservators of the child be modified to provide as follows: Petitioner should be granted the exclusive exercise of those rights contained within Section 153.132 of the Texas Family Code.

Petitioner requests that the terms and conditions for access to or possession of the child be modified to require that Respondent's periods of possession of the child be terminated.

Respondent has a history or pattern of physical and emotional abuse directed against M.Z. Petitioner requests the Court to deny Respondent access to the child. Alternatively, Petitioner requests that the Court render a possession order that provides that Respondent's periods of visitation be continuously supervised by an entity or person chosen by the Court.

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

8. *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:

Denying Respondent access to the child or, alternatively, rendering a possession order providing that Respondent's periods of visitation be continuously supervised.

Ordering Respondent to attend parenting classes and anger management classes.

Ordering Respondent to pay reasonable interim attorney's fees and expenses.

9. 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.

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct stated in the affidavit heretofore filed herein. Based on that affidavit, Petitioner requests the Court to grant the following relief:

Issue an order excluding Respondent from possession of or access to the child, M.Z.

10. Request for Permanent Injunction

Petitioner requests the Court, after trial on the merits, to grant the following permanent injunction:

- a. Prohibiting Respondent from using any form of corporal punishment to discipline the child.

11. *Request for Confirmation of Medical Support Arrearage*

Respondent has failed to provide medical support for the child as previously ordered. Petitioner requests the Court to confirm the existing medical support arrearage of \$14,738.55 and to order Respondent to make monthly payments on such arrearage until the entire sum of \$14,738.55, plus statutory interest has been paid in full.

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

It was necessary for Petitioner to secure the services of Lisa DeLong, 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.

12. *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.

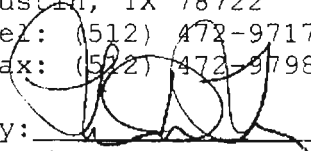
Petitioner prays that, on final hearing, the Court enter a permanent injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above.

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

Petitioner prays for general relief.

Respectfully submitted,

Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 

Lisa DeLong
State Bar No. 08653050
Attorney for Petitioner

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on April 9, 2014.



Lisa DeLong
Attorney for KATERYNA BOCHENKOVA

Final Hearing Date:
June 26, 2014 at 8:31 a.m.

OPPOSING ATTY. Stephen Casey
6/9/2014 4:47:41 PM
PHONE NO. (512) 257-1324
Amalia Rodriguez-Mendoza
District Clerk
Travis County
D-1-FM-05-000710

NO. D-1-FM-05-000710

IN THE INTEREST OF
M.Z.
A CHILD

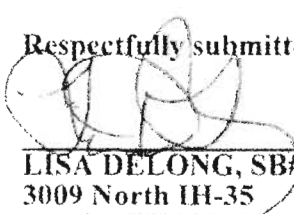
§ IN THE DISTRICT COURT
§
§ 201ST JUDICIAL DISTRICT
§
§ TRAVIS COUNTY, TEXAS

PROPOSED DISPOSITION OF ISSUES

TO THE HONORABLE JUDGE OF SAID COURT:

KATERYNA BOCHENKOVA, Petitioner, would ask the Court to make the following disposition of all issues incident to this modification and would testify in court under oath that the attached information is true and correct.

Respectfully submitted,



LISA DELONG, SB# 05653050
3009 North IH-35
Austin, TX 78722
Attorney for Petitioner
Phone No. (512) 472-9717
Fax: (512) 472-9798

NO. D-1-FM-05-000710

IN THE INTEREST OF

M.Z.

A CHILD

§
§
§
§
§

IN THE DISTRICT COURT

201ST JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

PROPOSED DISPOSITION OF OTHER ISSUES

AND PROPOSED PARENTING PLAN

TO THE HONORABLE JUDGE OF SAID COURT:

KATERYNA BOCHENKOVA. Petitioner, would ask the Court to make the following disposition of other issues.

Conservatorship, Possession and Access of Children and Support:

Petitioner requests that she be granted, exclusively, the rights and duties of Section 153.132 of the Texas Family Code and that the geographical restriction on the child's residence be lifted..

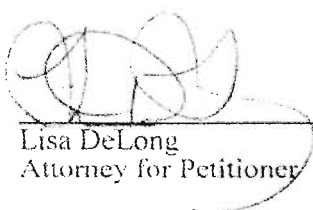
Petitioner requests that the terms and conditions for access to or possession of the child be modified to require that Respondent's periods of possession of the child be terminated.

Petitioner requests the Court to find that Respondent has failed to provide medical support for the child as previously ordered. Petitioner requests the Court to confirm the existing medical support arrearage of \$14,738.55 and to order Respondent to make monthly payments on such arrearage until the entire sum of \$14,738.55, plus statutory interest has been paid in full.

Attorney's fees. Respondent's should be ordered to pay Petitioner's reasonable and necessary attorney's fees incurred herein.

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on June 9, 2014.



Lisa DeLong
Attorney for Petitioner

NO. D-1-FM-05-000710

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
M.Z.,	§	201ST JUDICIAL DISTRICT
	§	
A CHILD	§	TRAVIS COUNTY, TEXAS

SECOND AMENDED PETITION TO MODIFY PARENT-CHILD RELATIONSHIP
AND TO CONFIRM MEDICAL SUPPORT ARREARAGE

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 KATERYNA BOCHENKOVA, Petitioner. The last three numbers of KATERYNA BOCHENKOVA's driver's license number are REDACTED. The last three numbers of KATERYNA BOCHENKOVA's Social Security number are REDACTED. Petitioner is the mother of the child and has standing to bring this suit. The requested modification will be in the best interest of the child.

Respondent is DONALD SHELLY ZIMMERMAN.

The orders to be modified are entitled "Final Decree of Divorce", rendered on May 27, 2005, and "Order in Suit to Modify Parent-Child Relationship", announced in open court on August 3, 2010.

3. *Jurisdiction*

This Court has continuing, exclusive jurisdiction of this suit.

4. *Child*

The following child is the subject of this suit:

Name: M.Z.

Sex: Female

Birth date: REDACTED

County of residence: Travis

5. *Parties Affected*

The following parties may be affected by this suit:

Name: DONALD SHELLY ZIMMERMAN

Relationship: father

Process may be served upon Respondent's attorney of record, Stephen Casey.

6. *Child's Property*

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

7. *Modification of Conservatorship, Possession and Access*

The most recent order to be modified is not based on a mediated or collaborative law settlement agreement. The circumstances of the child, a conservator, or other party affected by the orders to be modified have materially and substantially changed since the date of rendition of the orders to be modified.

Petitioner requests that the rights and duties of the respective conservators of the child be modified to provide as follows: Petitioner should be granted the exclusive exercise of those rights contained within Section 153.132 of the Texas Family Code. Any existing geographical restriction on the child's residence should be lifted.

Petitioner requests that the terms and conditions for access to or possession of the child be modified to require that Respondent's periods of possession of the child be terminated.

Respondent has a history or pattern of physical and emotional abuse directed against M.Z. Petitioner requests the Court to deny Respondent access to the child.

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

8. *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:

Denying Respondent access to the child or, alternatively, rendering a possession order providing that Respondent's periods of visitation be continuously supervised.

Ordering Respondent to attend parenting classes and anger management classes.

Ordering Respondent to pay reasonable interim attorney's fees and expenses.

9. *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.

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct stated in the affidavits heretofore filed herein. Based on those affidavits, Petitioner requests the Court to grant the following relief:

Issue an order excluding Respondent from possession of or access to the child, M.Z.

10. *Request for Permanent Injunction*

Petitioner requests the Court, after trial on the merits, to grant the following permanent injunction:

a. Taking possession of the child.

b. Prohibiting Respondent from using any form of corporal punishment to discipline the child.

11. Request for Confirmation of Medical Support Arrearage

Respondent has failed to provide medical support for the child as previously ordered. Petitioner requests the Court to confirm the existing medical support arrearage of \$14,738.55 and to order Respondent to make monthly payments on such arrearage until the entire sum of \$14,738.55, plus statutory interest has been paid in full.

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

It was necessary for Petitioner to secure the services of Lisa DeLong, 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.

12. 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,

Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-0798

By: 

Lisa DeLong
State Bar No. 05658050
Attorney for Petitioner

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on June 9, 2014.


Lisa DeLong
Attorney for KATELYNA BOCHENKOVA

9289
4641-cc-2/16/14

NO. D-1-FM-05-000710

IN THE INTEREST OF

M.Z.

A CHILD

§
§
§
§
§

IN THE DISTRICT COURT

201ST JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

Filed in The District Court
of Travis County, Texas

JUN 16 2014
At 146 M.
Amalia Rodriguez-Mendoza, Clerk

AGREED ORDER IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP

On June 16, 2014 the Court heard this case.

Appearances

Petitioner, KATERYNA BOCHENKOVA, did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below.

Respondent, DONALD SHELLY ZIMMERMAN, has made a general appearance and has agreed to the terms of this order, to the extent permitted by law, as evidenced by Respondent's signature, and that of his attorney, below.

Consent by Person with Right to Designate Primary Residence

KATERYNA BOCHENKOVA, who has the exclusive right to designate the primary residence of the child, has consented to the terms of this order as evidenced by KATERYNA BOCHENKOVA's 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 making of a record of testimony was waived by the parties with the consent of the Court.

Child

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

Name: M.Z.

Sex: Female

Birth date: REDACTED

Home state: Texas

Social Security number: REDACTED

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, and optimizing the development of a close and continuing relationship between each party and the child constitute the parties' agreed parenting plan.

Conservatorship

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

IT IS ORDERED that KATERYNA BOCHENKOVA and DONALD SHELLY ZIMMERMAN are removed as managing conservators and that KATERYNA BOCHENKOVA is appointed Sole Managing Conservator and DONALD SHELLY ZIMMERMAN is appointed Possessory Conservator of the following child: M.Z.

IT IS ORDERED that, at all times, KATERYNA BOCHENKOVA, as a parent sole 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, DONALD SHELLY ZIMMERMAN, as a parent possessory 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, KATERYNA BOCHENKOVA, as a parent sole managing conservator shall 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; and

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 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 this information shall be tendered in the form of a notice made 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.

IT IS ORDERED that, at all times, DONALD SHELLY ZIMMERMAN, as a parent possessory conservator, shall 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; and

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 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 this information shall be tendered in the form of a notice made 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.

IT IS ORDERED that, during her periods of possession, KATERYNA BOCHENKOVA, as a parent sole 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 his periods of possession, DONALD SHELLY ZIMMERMAN, as a parent possessory 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 KATERYNA BOCHENKOVA, as parent sole managing conservator, shall have the following exclusive rights and duty:

1. the right to designate the primary residence of the child without geographic restriction;

2. the right to consent to medical, dental, and surgical treatment involving invasive procedures;

3. the right to consent to psychiatric and psychological treatment of the child;

4. the 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 to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

6. the right to consent to marriage and to enlistment in the armed forces of the United States;

7. the right to make decisions concerning the child's education;

8. except as provided by section 264.0111 of the Texas Family Code, the right 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 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 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.

IT IS ORDERED that KATERYNA BOCHENKOVA shall have the exclusive right to apply for a passport for the child, M.Z.. If KATERYNA BOCHENKOVA applies for a passport for the child, M.Z., KATERYNA BOCHENKOVA is ORDERED to notify the other conservator of that fact no later than fourteen days after the application.

IT IS ORDERED that KATERYNA BOCHENKOVA shall have the right to maintain possession of any passports of the child, M.Z..

Possession and Access

1. *Possession Order*

The parties have agreed that it is in the best interest of the child that Respondent not have possession of or access to the child.

IT IS THEREFORE ORDERED that DONALD SHELLY ZIMMERMAN shall have no possession of or access to the child, M.Z.

2. *Termination of Orders*

The provisions of this order relating to conservatorship, possession, or access terminate on the marriage of KATERYNA BOCHENKOVA to DONALD SHELLY ZIMMERMAN unless a nonparent or agency has been appointed conservator of the child under chapter 153 of the Texas Family Code.

Child Medical Support Arrearage

The Court finds that the medical child support arrearage as of 4/2/2014 is \$14,738.55. The Court further finds that KATERYNA BOCHENKOVA has agreed to waive all past medical support.

IT IS THEREFORE ORDERED that, as of 4/2/2014, the medical child support arrearage owed by DONALD SHELLY ZIMMERMAN is \$0.

Required Information

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

Name: KATERYNA BOCHENKOVA

Social Security number: last 3 digits *REDACTED*
Driver's license number: last 3 digits *REDACTED* Issuing state: Texas
Current residence address: *REDACTED*
Mailing address: *REDACTED*
Home telephone number: (512) 577-7378
Name of employer: None.
Address of employment: n/a
Work telephone number: n/a

Name: DONALD SHELLY ZIMMERMAN

Social Security number: last 3 digits *REDACTED*
Driver's license number: last 3 digits *REDACTED* Issuing state: Texas
Current residence address: *REDACTED*
Mailing address: *REDACTED*
Home telephone number: (512) 577-7378
Name of employer: _____
Address of employment: _____
Work telephone number: _____

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 P.O. Box 679003, Austin, Texas 78767-9003. 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.

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 Fees

IT IS ORDERED that attorney's fees are to be borne by the party who incurred them.

Costs

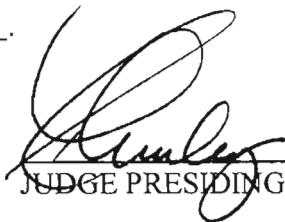
IT IS ORDERED that costs of court are to be borne by the party who incurred them.

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 regarding support not specifically modified in this order shall remain in full force and effect.

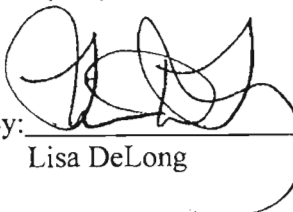
Date of Order

SIGNED on June 16, 2014.


JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Lisa DeLong, Attorney at Law
3009 North IH-35
Austin, TX 78722
Tel: (512) 472-9717
Fax: (512) 472-9798

By: 
Lisa DeLong

State Bar No. 05653050
E-Mail: delonglaw@aol.com
Attorney for Petitioner

Casey Law Office, P.C.
600 Round Rock West Drive, Suite 602
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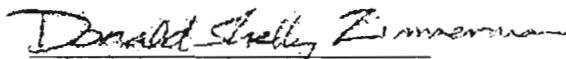
By: 

Stephen Casey
State Bar No. 24065015
E-Mail: stephen@caseylawoffice.us
Attorney for Respondent

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:



KATERYNA BOCHENKOVA, Petitioner



DONALD SHELLY ZIMMERMAN, Respondent

Amalia Rodriguez-Mendoza
District Clerk, Travis County
Travis County Courthouse Complex
P.O. Box 679003
Austin, Texas 78767



DATE: July 22, 2014

ZIMMERMAN DONALD SHELLY
10901 ENCHANTED ROCK COVE
AUSTIN, TX 78726

AGREED ORDER IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP

D-1-FM-05-000710

IN THE INTEREST OF MARINA ZIMMERMAN, A CHILD
VS.

You are hereby notified that the above order has been signed and entered JUNE 16, 2014 in the 201ST JUDICIAL DISTRICT COURT of Travis County Texas in the above numbered and entitled cause.

AMALIA RODRIGUEZ-MENDOZA,
District Clerk

L60 - 000040992

D-1-FM-05-000710

LAL