

JAN 20 2017

At 2:14 PM
Velva L. Price, District Clerk

NO. D-1-FM-05-000710

IN THE INTEREST OF

M.Z.

A CHILD

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

AGREED NUNC PRO TUNC ORDER IN SUIT TO MODIFY
PARENT-CHILD RELATIONSHIP

On [Signature] 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 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

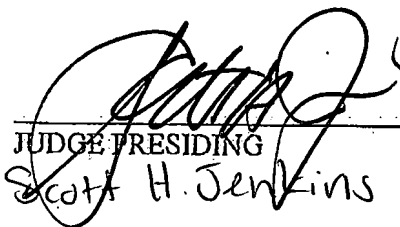
IT IS ORDERED that costs of court are to be borne by the party who incurred them.

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 January 20, 2017.



JUDGE PRESIDING
Scott H. Jenkins


APPROVED AS TO FORM ONLY:

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By: 

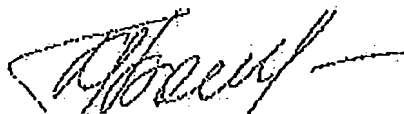
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By: _____
Kathryn Figueredo Fowler

State Bar No. 06983700
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Attorney for Donald Shelly Zimmerman

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:



KATERYNA BOCHENKOVA, Petitioner

DONALD SHELLY ZIMMERMAN, Respondent

State Bar No. 06983700
KF@attorneyfowler.com
Attorney for Donald Shelly Zimmerman

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

KATERYNA BOCHENKOVA, Petitioner

DS Zimmerman
DONALD SHELLY ZIMMERMAN, Respondent

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