

Drafting Specifications for the First Group of Model Bills

Companion to The Best Interest of the Child, L. Brooks McKenzie, PhD, October 2026

1. Purpose and Status

This document specifies the fifteen bills and up to four joint resolutions, two of them offered as insurance and not as requirements, that Chapter 12 of The Best Interest of the Child proposes to the 90th Legislature. It contains no bill text. The author decided that the report would carry no bill text, that its Appendix C would summarize these specifications, and that the full specifications would be published as this companion, which will later seed a rewrite of the whole Code as a Model Family Code, built on the eight design principles of Section 12.2.

The specifications are written for the drafting process of the Texas Legislative Council and for the counsel of any member who carries a bill. Every legal point stated here must be confirmed in that process and by counsel before filing. Texas text is the Legislature's rendering of the Family Code (Dec. 13, 2025) and Constitution (July 31, 2026); federal text is the 2024 United States Code and the C.F.R. current to Oct. 1, 2026. Where the report's chapters and the author's recorded decisions differ, Chapter 12 governs. Where Chapter 12 is silent and the author has recorded a decision, the decision supplies the design. Where that decision was a default the author accepted without separate consideration, or remains open, the specification marks it as a default design choice, open to the author's revision.

2. Drafting Conventions

These conventions come from the project's style guide and must be checked against the Texas Legislative Council's current drafting manual, which was not read for this companion.

A bill opens with the caption "A BILL TO BE ENTITLED AN ACT relating to" its subject and the enacting clause "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:". No bill may contain more than one subject, and the rules of each house must express the subject in the title (Tex. Const. art. III, § 35(a), (b)).

No law may be amended by reference to its title; the sections amended "shall be re-enacted and published at length" (art. III, § 36). Each amending section of a bill therefore states that a named section "is amended to read as follows," with new language underlined and deleted language struck through inside brackets, and each addition states that the code "is amended by adding" the new section, subchapter, or chapter.

Every bill carries a transition clause, by default the style guide's form: the change in law applies only to a suit filed on or after the effective date. It is the first answer to the bar on any "retroactive law" (art. I, § 16). A law takes effect ninety days after adjournment unless two-thirds of the members elected to each house direct otherwise (art. III, § 39). A severability

clause goes in every bill that should expect a constitutional challenge. A bill that creates an offense states its elements, culpable mental state, grade under Penal Code §§ 12.32 to 12.35, enhancements, defenses, and a clause for conduct that violates another law as well.

A joint resolution opens “A JOINT RESOLUTION proposing a constitutional amendment relating to” its subject and “BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:”, then states the amendment, the election date, and the ballot language. The Secretary of State prepares the explanatory statement and the Attorney General approves it (art. XVII, § 1(b)).

3. The Bills

3.1 Divorce Grounds

Problem. The Code permits a divorce “without regard to fault” for insupportability “because of discord or conflict of personalities” (Tex. Fam. Code § 6.001) and after three years apart (§ 6.006), grounds that name nothing a respondent could disprove. Chapter 3, Sections 3.10 and 3.11, and Section 12.3.1 state the argument and the strongest evidence against it.

Sections and changes. The bill repeals Sections 6.001 and 6.006 together. It keeps Section 6.002 (cruelty) and the other fault grounds and the family-violence exception to the waiting period in Section 6.702(c). It adds to Chapter 6, Subchapter A, a ground for family violence or abuse of a child by the other spouse, with a duty on the court to refer the alleged conduct to the prosecuting attorney for investigation, who keeps the charging decision, a good-faith safe harbor for the spouse who alleges it, and no requirement that the prosecutor act. The bill adds no mutual-consent ground, no other new ground, and no exemption, and it creates no ground that requires no reason: spouses who both want the marriage ended proceed on the surviving grounds by agreed judgment. It requires a measured review of the effect of repeal on children and on dissolution four years after the effective date; the report predicts nothing about divorce rates. Fallback only (if repeal fails): an alternative bill bars temporary orders on conservatorship and possession in a suit on a no-fault ground (Section 3.3, also fallback only), and bars state and county money, including money passed through a nonprofit, for the filer’s counsel, advocacy, or services, keeping the waivers due process requires under *Boddie v. Connecticut*, 401 U.S. 371 (1971). Also fallback only (if repeal fails), Chapter 3 adds that the filer pays household living expenses until the case ends, the non-filing spouse keeps possession of the community property, and, absent agreement, the filer forfeits the community estate, which requires amending the just-and-right division of Section 7.001.

Definitions. The fallback only (if repeal fails) defines “no-fault ground” and “filer”; the new ground uses the existing definitions of family violence (§ 71.004) and abuse (§ 261.001).

Transition and effective date. The bill applies to suits filed on or after the effective date.

Constitutional basis and anticipated challenge. A prospective repeal raises no retroactivity question. The forfeiture term was not analyzed in any source read; counsel should examine it

under the property and due course of law guarantees before filing, and the fallback only (if repeal fails) carries a severability clause.

Federal compliance note. Section 12.5 identifies no federal condition on grounds for divorce. Before the funding bar of the fallback only (if repeal fails) is written, the drafter should identify any federal grant that pays for counsel or services in divorce suits.

Fiscal estimate method. The Legislative Budget Board's note governs, and the report gives no figure; it should price the shift from uncontested divorces to contested fault trials.

Open drafting questions. It is open whether repeal and the fallback only (if repeal fails) are one bill or two. The findings should state the cost the report concedes: the bargaining power within marriage that Stevenson and Wolfers (2006) identify is lost.

3.2 Equal Parenting, Rebuttable by Clear and Convincing Evidence

Problem. The Code presumes joint managing conservatorship (§ 153.131(b)), then presumes that a standard order it calls a “reasonable minimum” is in the child’s best interest (§ 153.252). Chapter 2, Chapter 3, Sections 3.4, 3.5, and 3.9, and Section 12.3.2 state the argument.

Sections and changes. The bill replaces the presumption in Section 153.252 with a presumption that equal or substantially equal possession by each fit parent is in the child’s best interest. The presumption allocates the burden of proof and does not displace the best-interest standard, which remains the primary consideration. It is rebuttable only by clear and convincing evidence, stated in written findings of the specific facts relied on, on the model of Section 153.002(c). Clear and convincing evidence is the one standard for any departure from equal possession; the bill creates no lower tier and does not copy the preponderance standard of the four other States (Kentucky, West Virginia, Florida, and Missouri) that enacted a presumption. It conforms Sections 153.134(b)(1) and 153.135 and extends the presumption to temporary orders through Section 105.001(g). It amends Section 153.254 so that, for a child under twelve months, the court orders a stepped schedule of increasing frequency and duration of possession by each fit parent, moving toward equal time by the child’s second year and adjusted only on findings specific to the child; the schedule is the same whichever parent has been the primary caregiver. Section 153.004 is untouched; its family-violence findings displace the presumption and govern the parents the presumption does not.

Definitions. The bill defines “equal or substantially equal possession,” “fit parent,” and the stepped schedule. A fit parent is a parent who has not been found, on written findings, to endanger the child’s physical or emotional welfare and who is willing and able to exercise possession. The bill uses “primary caregiver” in no rule of decision.

Transition and effective date. The bill applies to suits filed on or after a delayed effective date. Whether existing orders may be modified on the new presumption alone (§ 156.101) is open.

Constitutional basis and anticipated challenge. The Code already applies this standard to

nonparents (§ 153.002(b), (c)); it is the standard the State meets before it severs a parent from a child (*Santosky v. Kramer*, 455 U.S. 745 (1982)); Tex. Const. art. I, § 37 names the parent's right fundamental; and Section 153.004 answers the safety objection. The objection that the presumption displaces the best-interest standard is answered by its text, which leaves that standard primary and allocates only the burden.

Federal compliance note. A support adjustment for parenting time must fit 45 C.F.R. § 302.56. Orders are enforced in other States like any Texas order, for children whose custody Texas may decide (28 U.S.C. § 1738A; Tex. Fam. Code §§ 152.201, 152.208).

Fiscal estimate method. The Board found no significant fiscal implication for five earlier equal-parenting bills, H.B. 2927 (80th Leg.), H.B. 1229 (82nd Leg.), H.B. 2363 (84th Leg.), H.B. 2157 (86th Leg.), and H.B. 803 (87th Leg.).

Open drafting questions. It is open whether to amend Section 105.002(c)(2)(B) so a jury may decide a departure from equal time (Chapter 3, Section 3.6), and whether to reconcile the two printed versions of Section 153.3171(a) here. The presumption carries no mileage radius and no under-three exemption (Section 12.7). The report states no step lengths for the infant schedule; they remain to be set.

3.3 Temporary Orders

Problem. Temporary orders decide where a child lives during the case, require no findings, and are not subject to interlocutory appeal (§§ 105.001(e), 6.507); mandamus is the only route. Chapter 4, Sections 4.2 to 4.4, and Section 12.3.3 state the argument.

Sections and changes. Fallback only (if repeal fails): in a suit on a no-fault ground, the bill bars temporary orders on conservatorship and possession under Section 105.001, leaving protective orders and emergency removal available on their own terms, with a thirty-day emergency track with written findings. In every other suit it requires the written findings of Section 3.4 for any temporary order that designates a conservator, sets or varies possession, restricts a parent's time or rights, or awards fees, and amends Sections 105.001(e), 6.507, and 109.001(c) to allow an accelerated appeal, with no automatic stay, of any temporary order that changes conservatorship, restricts possession, access, or a parent's speech, or awards fees. The model is Section 109.001(b-5), which already allows review by "proper assignment in the party's brief." The list of appealable orders is a default design choice, open to the author's revision.

Definitions. For the fallback only (if repeal fails), the bill must define "status quo of the marriage," which governs in a no-fault suit. The report states it three ways: Chapter 12 says the status quo governs, Chapter 4 says the statute fixes equal possession for fit parents, and Chapter 3 says the non-filing spouse chooses the schedule closest to equal. The drafter must reconcile them with the author.

Transition and effective date. The bill applies to suits filed, and orders rendered, on or after the

effective date.

Constitutional basis and anticipated challenge. Interlocutory appeal is a statutory matter, as Sections 105.001(e) and 109.001(b-5) show; *In re Derzapf*, 219 S.W.3d 327, 335 (Tex. 2007), calls the divestiture of a fit parent “irremediable.”

Federal compliance note. Temporary support orders in Title IV-D cases are outside the bill and stay so.

Fiscal estimate method. The note should count temporary orders in the appealable classes and price the added appeals.

Open drafting questions. The appellate timetable and the definition of an order restricting speech remain to be set.

3.4 Findings and Recording

Problem. Findings are owed only on request (Tex. R. Civ. P. 296; § 153.258(a)), and an associate judge’s hearing need not be reported in most cases (§ 201.009(a)). Chapter 4, Sections 4.7 and 4.8, Chapter 11, and Section 12.3.4 state the argument.

Sections and changes. The bill adds a section to Chapter 105 providing that in any ruling that designates a conservator, sets or varies possession, restricts a parent’s time or rights, or awards fees against a parent, the court states in writing the specific facts relied on. Findings are made without request in every such ruling in a contested case and in every ruling in which a party appears without counsel; in an agreed order with all parties represented, the parties’ agreement and a best-interest statement suffice. Failure to make findings is remedied by remand for findings, and the bill creates no presumption of harm. The text tracks Sections 153.072 and 153.002(c) and strikes the request condition from Section 153.258(a). From Chapter 11, findings may be stated on the record. It amends Sections 105.003 and 201.009(a) to require recording of every hearing, in phases by court size, by audio and video or by audio alone where no child is present, with a fiscal note required before the effective date, held by the clerk, open to the parties, counsel, and reviewing courts, closed to public release of any image of a child, and released otherwise only by court order for good cause on the model of Section 107.112(b-1); Chapter 11 bars waiver. Following the author’s decisions, every communication between a judge or court staff and a party, attorney, or witness about a pending case occurs on the record, with attorney-client and settlement communications outside it, and recordings are kept at least seven years and a child’s until the child turns twenty-one; the retention periods are a default design choice, open to the author’s revision.

Definitions. The bill defines “hearing,” “recording,” “placement,” “self-represented party,” and “agreed order with all parties represented.”

Transition and effective date. The bill applies to hearings and rulings after a date late enough for clerks to install equipment.

Constitutional basis and anticipated challenge. The Supreme Court's rules may not "abridge, enlarge, or modify the substantive rights of a litigant" and yield to legislative disapproval (Tex. Gov't Code § 22.004(a), (b)). Access to family files stays governed by Family Code §§ 105.003 and 109.002 and Government Code § 552.0035.

Federal compliance note. Federal child-abuse grant law preserves "the State's flexibility to determine State policies relating to public access to court proceedings" (42 U.S.C. § 5106a(b)(2)); victim information falls under 34 U.S.C. § 12291(b)(2), and Department records under Section 261.201.

Fiscal estimate method. Related 89th Legislature bills drew notes of no significant fiscal implication but priced a restriction and a study; this note should price equipment, storage, and clerk staff.

Open drafting questions. It is open who bears storage cost and whether child protection hearings, which Chapter 11 includes, travel here or in the Sunset bill.

3.5 Associate Judges and the De Novo Window

Problem. A referring judge may send "any aspect of a suit" to an associate judge (§ 201.005(a)); review requires a written request within three working days naming the issues (§ 201.015(a), (b)); and in Title IV-D cases referral is by general order and an unchallenged order becomes the court's by operation of law (§§ 201.101(d), 201.1041(a)). Chapter 4, Sections 4.5 and 4.6, and Section 12.3.5 state the argument.

Sections and changes. The bill amends Section 201.005 so the elected judge decides a contested conservatorship or possession question unless every party consents in writing to the associate judge; amends Section 201.101(d) to end automatic referral of conservatorship issues attached to a support motion, leaving Title IV-D referrals for the establishment, modification, and enforcement of support with the associate judge; and amends Sections 201.015(a) and 201.1042(b) to lengthen the de novo window to weeks. Chapter 4's terms, fourteen days from receipt, review of any issue, and a stay on request absent immediate danger, are a default design choice, open to the author's revision. The record requirement is in Section 3.4.

Definitions. The bill defines "contested conservatorship or possession question" and "written consent."

Transition and effective date. The bill takes effect twenty-four months after enactment, a default design choice open to the author's revision, with a transition clause keeping every Title IV-E finding and IV-D timeframe on time.

Constitutional basis and anticipated challenge. Office of the Att'y Gen. v. C.W.H., 531 S.W.3d 178 (Tex. 2017), forecloses a claim that the office is unconstitutional; the bill rests on the Legislature's power to set what the office decides and with what review.

Federal compliance note. Seventy-five percent of IV-D orders must be established within six months and 90 percent within twelve months of service (45 C.F.R. § 303.101); the federal text read does not require a non-judge presiding officer. Title IV-E findings stay on time (45 C.F.R. § 1356.21).

Fiscal estimate method. The Board's note on H.B. 3297 (85th Leg., R.S. (2017)) estimated 43 full-time positions and savings of \$3.3 million to \$4.4 million a year from repealing the child protection court program; that priced the positions, not their work. This note should price elected-judge time for the contested hearings associate judges now hold.

Open drafting questions. It is open whether to repeal here the direction in Section 201.107(c) to maximize federal funds, as Chapter 5 recommends. The author's broader position, elected judges only, travels with the judicial-selection resolution.

3.6 Evaluations and the Standard Protocol

Problem. The Code requires "evidence-based practice methods" without defining them (§ 107.108(c)) and assumes repetition (§ 107.107(e)). Chapter 6, Section 6.1, and Section 12.3.6 state the argument, with Forslund et al. (2022) recorded as the contrary position.

Sections and changes. For contested suits the bill replaces the open-ended evaluation of Sections 107.108 and 107.109 with a Standard Protocol Evaluation stated by criteria, not by product: one Adult Attachment Interview per parent, de-identified and scored blind by a reliability-certified coder; one observer-coded Attachment Q-Sort per child aged one to five with each parent, recorded and rescored on challenge; and personality or intelligence testing only on a documented concern supported by evidence. Qualifying instruments are listed in a non-exclusive schedule outside the operative text. The evaluation is an input to the court's findings: the evaluator may file a descriptive report and may not offer an ultimate recommendation on conservatorship or possession. The bill amends Section 107.107 to repeal the waiver of disclosed conflicts in subsections (b)(2) and (d)(2) and to require a written good-cause finding before any successive full evaluation. It adds random assignment from a state-certified pool with an annual cap per court, scorers blind to the allegations, recording of every session, raw-data review by a qualified reviewer of any party's choice, and open-access reliability training. The qualification gate in Section 107.104 is stated as competencies (measurement and research methods, child development, and the instrument's published reliability standard), met by a research degree with a thesis or dissertation, by an equivalent degree, or by a licensing-board path with certification, with current evaluators grandfathered for the sunset period. The bill bars any person who sells training, coding, scoring, or administration services for an approved instrument, or holds a financial interest in one, from serving as appointee, vendor, or pool administrator, and requires the pool administrator to publish a count of certified coders. Any hour counts used to state the competencies (the working figures were twelve graduate hours in statistics, design, and supervised research including a six-hour thesis; nine in developmental research; 70 percent in person) and the three-hour minimum of Q-Sort observation are default

design choices, open to the author's revision.

Definitions. The bill defines "contested suit," meaning no signed agreed order on conservatorship and possession (a default design choice, open to the author's revision), "validated measure," "reliability-certified coder," "blind," "qualified reviewer," "equivalent degree," "financial interest," and "state-certified pool."

Transition and effective date. The protocol applies to evaluations ordered after the effective date; after a sunset twenty-four months after enactment, also a default, no court orders or admits an evaluation by a person who does not meet the gate.

Constitutional basis and anticipated challenge. The Legislature already sets evaluator qualifications and added one in 2025 (§ 107.104(f)). Expected objections are supply, since no public count of certified coders exists, and exclusion of professions, which a gate stated as competencies, with equivalent degrees accepted, answers. The bar on vendors applies to the author, whose commercial interest is disclosed in the Statement of Interest.

Federal compliance note. No federal condition read applies.

Fiscal estimate method. No record of evaluator fees was obtained and the report offers no figure; the note should price each component and the pool against the fees courts now set under Section 107.023.

Open drafting questions. It is open which agency certifies the pool. The author's recorded offense list for evaluator misconduct (breaking the blind, hiding a conflict, altering a recording, scoring outside the manual, taking a referral payment), with licensing discipline left untouched, may travel here or in the accountability chapter.

3.7 Abuse Allegations to Criminal Court

Problem. Family courts decide abuse allegations on a preponderance with no valid method of testing them, and a knowingly false report in a pending suit carries "a civil penalty not to exceed \$500" (§ 153.013(c)). Chapter 6, Section 6.2, and Section 12.3.7 state the argument.

Sections and changes. The bill adds a Title 5 subchapter requiring that an allegation of a felony that endangers a child, raised in or alongside a custody suit, be referred to the prosecuting attorney for investigation on a fast track in the criminal district court. Custody merits are stayed or expedited and are not decided on a bare allegation. The family court keeps its emergency safety orders, and they come first: immediate protection remains available on a corroborated showing of imminent danger, for no more than fourteen days without a hearing with findings; where only a credible-evidence showing exists, restriction is temporary and subject to a hearing within fourteen days with findings. A final hearing must be held, and the time-back rule below applies when it ends without a jury finding. A parent's time may be reduced on the ground of alleged criminal conduct only on a jury's finding: a conviction by jury verdict, or a unanimous jury finding in the family case by clear and convincing evidence. Section 3.15 supplies the plea

failsafe that protects this path, and Section 153.004 family-violence findings are unchanged. The bill amends the Code of Criminal Procedure to give the accused an expedited trial on demand, which the author has set at fourteen days, waivable in writing by the accused, with a recorded forensic interview, closed-circuit testimony, and a closed courtroom for the child. The time-back rule is a bill element: if an allegation of abuse or neglect made in a suit affecting the parent-child relationship is not found by a jury on a final hearing, or is dismissed, withdrawn, or otherwise unsubstantiated, the accused parent is awarded make-up possession equal to twice the time lost to any restriction imposed because of the allegation, taken in blocks of the parent's choosing within twenty-four months, in addition to the equal-possession presumption and enforced as possession; the same rule applies to time lost to any unfounded allegation of any kind. Its purpose is to make false and unsubstantiated allegations cost the accuser the advantage the allegation was meant to buy. A substantiated finding keeps every protection; only an unfounded allegation triggers make-up time. A mirror penalty for a convicted knowing false report carries the range of the offense falsely alleged, capped at the first-degree range, with no sex-offender registration, protected by the same good-faith immunity that exists now (restating Section 261.106), and charging by a prosecutor only; Section 153.013 is conformed.

Definitions. The bill defines “felony that endangers the child,” by cross-reference to listed Penal Code offenses including sexual offenses against children (a default design choice, open to the author’s revision); “corroborated evidence,” which under the author’s decision includes a recorded forensic interview that passes audit; “knowingly false report”; “jury finding”; “otherwise unsubstantiated”; and “time lost” to a restriction, for the time-back rule.

Transition and effective date. The bill applies to allegations made, and conduct occurring, on or after the effective date; the time-back rule applies to restrictions imposed on or after that date.

Constitutional basis and anticipated challenge. The Legislature may not abridge the prosecutor’s exclusive function without express constitutional authority (*Meshell v. State*, 739 S.W.2d 246 (Tex. Crim. App. 1987)), and may regulate only the “respective duties” of prosecutors (art. V, § 21). The bill is therefore drafted as a duty on the prosecuting attorney: on a magistrate’s finding of probable cause that a specified offense against a child occurred, to present the matter to a grand jury within sixty days or file written reasons with the district judge. It commands no prosecution and sets no dismissal penalty. The joint resolution in Section 4, authorizing a non-local prosecutor, is insurance and not a requirement. The time-back rule awards possession to the accused parent; no source read examines whether a make-up award that takes time from the other parent raises a due process claim by that parent, and counsel should examine it before filing. A severability clause is required.

Federal compliance note. Grantees must immunize good-faith reporters (42 U.S.C. § 5106a(b)(2)(B)(vii)) and may act on a finding that a reporter “knowingly made a false report” (§ 5106a(b)(3)); a penalty limited to knowing falsity fits both, and the time-back rule imposes no penalty on a reporter, so the immunity is unchanged.

Fiscal estimate method. The note should price referrals, prosecutions, forensic interviews, and

the enforcement of make-up possession.

Open drafting questions. Section 3.15 regulates the civil effect of pleas and leaves charging and bargaining to the prosecutor, which keeps it within the prosecutor's exclusive function. What counts as "otherwise unsubstantiated" when a prosecutor declines to charge, how blocks of make-up possession are scheduled around the other parent's time, and whether the twenty-four-month window may be extended are open. The arrest and release terms he accepted by default are a default design choice, open to the author's revision.

3.8 Ex Parte Orders

Problem. A court may enter a protective order "without further notice" and "without a hearing" (§ 83.001(a)), extendable in twenty-day periods (§ 83.002). Permanent orders were associated with less police-reported violence in a Seattle cohort, and temporary orders were not (Holt et al., 2002). Chapter 6, Section 6.3, and Section 12.3.8 state the argument.

Sections and changes. The bill keeps the ex parte order. Where a custody suit is pending, the full adversary hearing must occur within a short fixed period or the order's effect on possession ends, and findings at that hearing under Section 85.001 are written. From Chapter 6, the sworn application under Section 82.009 states the specific acts relied on, an order may be extended once without service and a hearing and not again, and where the application shows imminent danger of death or serious bodily injury the hearing is held the next court day. A respondent asked to consent to an agreed order is told on the record that it may carry the federal firearm disability. The author has decided that every family-violence finding, including the one that starts a protective order, rests on clear and convincing evidence; Chapter 12 is silent on the standard, so this specification carries it. Emergency safety orders sought in connection with an alleged crime remain available in the family court (Section 3.7), and the time-back rule of Section 3.7 reaches time lost to any restriction imposed because of an unfounded allegation, including the effect of an ex parte order on possession.

Definitions. The bill defines "pending suit" and sets the fixed hearing period.

Transition and effective date. The bill applies to applications filed on or after the effective date.

Constitutional basis and anticipated challenge. The objection that delay risks a life is answered by the imminent-danger route.

Federal compliance note. Full faith and credit requires that the respondent be heard "within a reasonable time after the order is issued" (18 U.S.C. § 2265(b)), and the firearm disability attaches only to an order "issued after a hearing of which such person received actual notice" (§ 922(g)(8)(A)); *United States v. Rahimi*, 602 U.S. 680 (2024), arose from a consent order. The reporting must meet VAWA's nondisclosure condition.

Fiscal estimate method. The note should price the added hearings and the reporting.

Open drafting questions. The length of the fixed period, which Chapter 12 does not state, remains to be set, and it is open whether the author's recorded wish to rewrite the definition of family violence travels here.

3.9 The Child Support Package

Problem. A signed acknowledgment "is the equivalent of an adjudication" (§ 160.305(a)); retroactive support is presumed for four years before the petition (§ 154.131(c)), and arrears bear interest (§ 157.265). Chapters 5 and 7 and Section 12.3.9 state the argument and name which positions conform to federal law.

Sections and changes. Support is owed only by a genetic parent, confirmed by testing in every case and not waivable, adoption excepted. Because an acknowledgment is a federal basis for a support order (42 U.S.C. § 666(a)(5)(D)(ii); 45 C.F.R. § 302.70(a)(5)(vii)), the bill moves the test before signing, which is the author's proposed route and has not been tested with the federal child support agency, amends Section 160.305(a), and widens Section 161.005 so a non-paternity result vacates an order at any time. It repeals Sections 154.009 and 154.131 and amends Section 160.636(g) so birth costs are recovered only after testing, against receipts. It amends the Chapter 154 guidelines so a parent collects only when the receiving household's income is below 200 percent of the federal poverty level and no parent pays an amount that would reduce his own income below 250 percent of that level (the 200 and 250 percent thresholds), using the formula of Chapter 7, Section 7.9.4. It repeals Section 157.265, resets nonconforming orders through a review petition by the IV-D agency with notice on the effective date, terminates arrears, ends garnishment and involuntary collection, limits enforcement to an annual credit report, forbids contempt or confinement for arrears, and makes license suspension under Section 232.008(a) discretionary on willful refusal by a parent able to pay. Each element is labeled by the route it needs. Most can be proposed in a form that fits the federal text: the support formula that credits parenting time, the self-support reserve, the end of retroactive support, parentage testing before an acknowledgment becomes final, and limits on confinement short of a ban. These need a federal waiver or a change by Congress: terminating existing arrears, ending garnishment and involuntary collection, forbidding confinement for arrears, a genetic-only rule of parentage, and the 200 and 250 percent thresholds. Terminating existing arrears conflicts with 42 U.S.C. § 666(a)(9) and Tex. Const. art. I, § 16 unless waived. The author's decisions add waiver of State-owed arrears and training in place of jail for a parent unable to pay; Chapter 12 does not state their federal route, and the drafter should label them in the same way. Keeping Penal Code § 25.05 as the only criminal route for nonsupport is a default design choice, open to the author's revision.

Definitions. The bill defines "genetic parent," "receiving household," "poverty level," the 200 and 250 percent thresholds, "self-support reserve," and "nonconforming order."

Transition and effective date. Orders reset from the petition date. Conforming provisions take effect on the effective date and conflicting ones only on federal approval or congressional

change, a default design choice, open to the author's revision.

Constitutional basis and anticipated challenge. Terminating arrears meets the bar on any “retroactive law” (art. I, § 16). Whether a statute can bind the courts’ inherent contempt power is unresolved, so the Article I, Section 18 resolution accompanies the bill. A severability clause is required.

Federal compliance note. Federal law requires withholding, periodic credit reporting, license suspension “in appropriate cases,” and finality of installments (42 U.S.C. § 666(a)(1), (7), (9), (16)), and a guideline with a low-income adjustment (45 C.F.R. § 302.56(c)(1)(ii)). Noncompliance costs 1 to 2, 2 to 3, and 3 to 5 percent of the TANF grant on successive findings (42 U.S.C. § 609(a)(8)(B)), and leaving the program puts the TANF certification at risk (§ 602(a)(2)). The bill names three routes: conform, seek a demonstration or exemption (§§ 1315(b)(1)(A), 666(d)), or decline the program and pay its price. A rule that no recipient household above 200 percent receives support is not a computation from the payor’s ability to pay, and the federal child support office would have to accept it as a guideline before it could stand.

Fiscal estimate method. The note must price the program change and the federal exposure. Chapter 7 states the stakes: a federal share of Texas IV-D administrative expenditure of \$230,111,822 in fiscal 2024 and incentive payments of \$97,071,543 for fiscal 2022.

Open drafting questions. The design of a randomized county rollout for training in place of jail remains open, as does whether vacating an order for non-paternity is a “retroactive modification” under Section 666(a)(9), which no federal authority read addresses.

3.10 CPS Audit, Transition, and the Removal Standard

Problem. A court must return a removed child unless it finds evidence sufficient “to satisfy a person of ordinary prudence and caution” (§ 262.201(g)), and Texas met none of seven outcomes in its 2024 federal review, a result consistent with a structural cause that does not isolate one. Chapter 8 and Section 12.3.10 state the argument.

Sections and changes. The bill amends Section 262.201(g) to require clear and convincing evidence of each element and a statement of the specific efforts found reasonable; the higher standard trades off marginal children, as the removal research shows, so that some children a lower standard would have removed remain at home. It orders an independent, phased audit of the child protective services division, followed by a transition plan fixed by statute, in the four phases of Chapter 8, Section 8.9.2. In the first, on enactment, every interview, evaluation, hearing, and communication between a court actor and a party in a child protection case is recorded and retained, with a child’s recordings kept until the child turns 21, parents have counsel at no charge, and contractor payments are published. In the second, an inspector general answering to the Legislature and an oversight board that excludes only a person with a financial stake in placements or fees take jurisdiction, and a suspected crime against a child by a government actor is referred within a fixed number of days to law enforcement, the inspector

general, and a randomly assigned prosecutor. In the third, an independent auditor examines system records in de-identified form against standards fixed in the statute and reports aggregate counts, reviews no individual worker's file, and recommends no action against any person; any referral uses existing law. In the fourth, on the audit's findings, caseloads transfer region by region on a published schedule to the successor system named in the transition plan or by the Sunset decision, which reports spending against the outcomes Chapter 8 lists. The old division sunsets after the last region transfers. The 21-year retention of children's recordings is a default design choice, open to the author's revision.

Definitions. The bill defines the "successor system," each audit standard, and each reported outcome.

Transition and effective date. The bill takes effect by phase, with a transition order for each region that keeps every federal finding on time; no region transfers before the audit reports.

Constitutional basis and anticipated challenge. The Sunset bill is the Legislature's ordinary vehicle for restructuring the Department, and federal law leaves the standard of proof to the State.

Federal compliance note. Title IV-E pays only after judicial findings that remaining home is contrary to the child's welfare and that reasonable efforts were made (42 U.S.C. § 672(a)(2)(A)(ii)), on the schedule of 45 C.F.R. § 1356.21(b), (c), (d), and any successor agency must be the agency the IV-E and IV-B plans name. The clear and convincing model is 25 U.S.C. § 1912(e).

Fiscal estimate method. The Sunset bill's note should report spending against the bill's outcomes, with the 2024 federal results as baseline.

Open drafting questions. It is open whether the Sunset bill also carries Chapter 8's sworn fact-witness rule for ex parte removal, a jury at the initial hearing, proof beyond a reasonable doubt for termination, and registry deletion on return, and Chapter 5's state-funded counsel in government-filed suits.

3.11 Accountability Offenses and a Civil Cause of Action

Problem. The nearest offense, official oppression, requires that the official act "knowing his conduct is unlawful" and is a Class A misdemeanor (Tex. Penal Code § 39.03(a)(2), (d)). Chapter 10 and Section 12.3.11 state the argument.

Sections and changes. A new Penal Code chapter creates an offense for knowing or intentional interference with the parent-child relationship by a court actor or agency official, defined by conduct and not by rulings: knowingly making a false statement in an official record; concealing or destroying a record or a recording; acting outside jurisdiction; retaliating against a person for a report; knowingly obstructing court-ordered possession; and coercing or procuring a plea by misstating its family-court consequences. A good-faith ruling within jurisdiction is expressly not the offense. The offense reaches judges and appointees for that conduct and has no prior-

finding gate, so no prior finding by a court or the Commission is required. Its consequences are confined to the chapter so its labels trigger no custody presumption or state firearm disability elsewhere; a felony conviction under it would carry the federal firearm disability, which the bill states and does not disclaim. An enhanced grade applies when harm results, set at a third-degree felony as a default design choice, open to the author's revision. A new civil chapter creates a Texas action against court appointees and officials performing administrative functions, under the culpable states of Family Code § 107.009(b), with enhanced damages on the model of Bus. & Com. Code § 17.50(b), clear and convincing proof, fee shifting against groundless or harassing suits on the model of § 17.50(c), and an express statement that derived judicial immunity and attorney immunity do not apply. The bill proposes no liability for judicial rulings. Section 107.009 becomes the exclusive immunity of chapter 107 appointees, and appointees carry liability coverage. The form of the civil action is a default design choice, open to the author's revision.

Definitions. The bill defines "court actor," "agency official," "administrative function," "official record," "interference," and "good-faith ruling within jurisdiction."

Transition and effective date. The bill reaches conduct on or after the effective date only (art. I, § 16).

Constitutional basis and anticipated challenge. "When state law creates a cause of action, the State is free to define the defenses to that claim" (Ferri v. Ackerman, 444 U.S. 193 (1979)), and abrogation must be express or by necessary implication (Taylor v. Tolbert, No. 20-0727 (Tex. May 6, 2022)). The bill proposes no liability for judicial rulings, and the separation-of-powers question for judges is flagged as unresolved, because no source read resolves whether a damages action against a judge for a judicial act would survive the separation of powers clause (art. II, § 1). A severability clause is required.

Federal compliance note. Section 1983 defenses "are defined by federal law" (Howlett v. Rose, 496 U.S. 356 (1990)) and are untouched; federal firearm law turns on elements, not state labels, and the elements must be checked against it.

Fiscal estimate method. The note should price prosecutions, confinement, and civil court time.

Open drafting questions. Chapter 10's judicial duty to refer knowingly false testimony, and the author's decision that charges go to a prosecutor drawn at random from any county, are not placed in this bill by Chapter 12; the second would depend on the Article V, Section 21 resolution, which is insurance and not a requirement. The base grade of the offense, which Chapter 12 does not state, remains to be set.

3.12 Nondisclosure Agreements That Conceal Child Abuse

Problem. Texas voids a silence clause only as to "an act of sexual abuse" (Tex. Civ. Prac. & Rem. Code § 129C.002) and penalizes no one who demands one. Chapter 10, Section 10.10, and

Section 12.3.12 state the argument.

Sections and changes. The bill amends Section 129C.001 so the rule of Section 129C.002 reaches physical abuse and neglect of a child as defined in Family Code § 261.001, keeping the confidentiality of settlement amounts. It adds a felony for knowingly offering, demanding, or accepting a benefit for an agreement not to disclose abuse or neglect of a child, with intent to prevent a report to the Department or law enforcement.

Definitions. The bill defines “benefit” and “agreement not to disclose.”

Transition and effective date. The offense reaches agreements made on or after the effective date.

Constitutional basis and anticipated challenge. The offense punishes conduct carried out in words, which is not “an abridgment of freedom of speech” (*Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 502 (1949)). A severability clause is required.

Federal compliance note. The federal Speak Out Act reaches only clauses agreed before a dispute arises (42 U.S.C. § 19403(a)) and does not conflict.

Fiscal estimate method. The note should price any added prosecutions.

Open drafting questions. The felony grade, which Chapter 12 does not state, remains to be set, and it is open whether the void rule reaches earlier agreements given the bar on laws “impairing the obligation of contracts” (art. I, § 16).

3.13 A Judicial Education Standard

Problem. The judicial-integrity charge asks how “to ensure Texas judges remain fair and impartial.” The Rules of Judicial Education require advance filing of materials only for two narrow programs, and Government Code § 22.110(d)(10) requires training on “issues of attachment and bonding between children and caregivers” with no evidence standard. Chapter 9, Sections 9.8 to 9.10, and Section 12.3.13 state the argument.

Sections and changes. The bill amends Section 22.110 to direct the Court of Criminal Appeals to amend its rules so that every program counting for judicial credit on a family-law subject grades each factual or scientific claim by a published evidence standard; files its agenda, presenters, materials, and sources before the program; discloses each presenter’s financial and organizational ties; posts the filings publicly; and applies alike to every sponsor, every consultation under Section 22.110(c) and (d-2), and every presenter.

Definitions. The bill defines “family-law subject,” covering custody, conservatorship, possession, child protection, family violence, attachment and bonding, child development, and abuse allegations; “evidence standard”; “ties.”

Transition and effective date. The standard applies to programs offered after the amended

rules take effect.

Constitutional basis and anticipated challenge. Section 22.110 already sets family-court training content by statute, and the bill directs rulemaking rather than writing rules, which answers the separation of powers objection.

Federal compliance note. No federal condition read applies.

Fiscal estimate method. The note should price the Court's filing and posting system.

Open drafting questions. None of substance; the rule reaches the author's field, and trainings his allies have given, exactly as it reaches anyone else's.

3.14 Data and Transparency

Problem. The Office of Court Administration reports each court's clearance rate, time to disposition, and pending caseload age (Gov't Code § 72.083(b)), and no public Texas dataset states custody outcomes by parent sex, by agreed or contested order, or by court. Chapter 11, Section 11.4, and Section 12.3.14 state the argument.

Sections and changes. The bill directs the case-level reporting of Section 71.035 to collect, for every final order in a suit affecting the parent-child relationship, the conservatorship designation, the schedule, agreed or contested status, which parent sought primary residence, any family-violence finding, and each parent's sex, and to publish court-level aggregates yearly with small cells suppressed. Chapter 11 adds further fields, including temporary orders, representation, and appointment fees. The bill also requires the ex parte reporting of Section 3.8; publication of every payment to a court-appointed professional by court and case type; publication of the IV-D and IV-E dollars received by each county and court program notwithstanding Section 231.002; annual county counts of abuse allegations in custody suits by stage and disposition (Chapter 6); and, from Chapter 11, treatment of case-assignment procedures, appointee lists, and per-court appointment and fee counts as public administrative information.

Definitions. The bill defines each field, "small cell," and "public administrative information."

Transition and effective date. The bill applies to orders rendered on or after the effective date.

Constitutional basis and anticipated challenge. The Legislature already imposes reporting duties on courts enforceable by mandamus (§ 71.035). The access provisions reach administrative records and aggregate counts, not deliberations or case files, because the reach of an access mandate into judicial functions is unresolved; a severability clause covers them.

Federal compliance note. Victim information falls under 34 U.S.C. § 12291(b)(2) and Department records under Section 261.201; publication is aggregate only.

Fiscal estimate method. The Legislative Budget Board's fiscal note on the 2025 judicial-conduct

legislation, for the bill as it left the House, put the cost of an Office of Court Administration transparency data system at \$254,006 in fiscal 2026 and \$88,206 in fiscal 2027. It priced a different data set and shows only the order of magnitude.

Open drafting questions. It is open whether the Chapter 11 fields enlarge this bill or follow in another.

3.15 A Plea Is Not a Finding

Problem. A parent who is told that a plea will cost time with the child, or that refusing it will, bargains under a pressure the criminal case did not create, and a plea often becomes the basis for stripping time in the custody court. Section 12.3.15 and Chapter 13, Section 13.8.5, state the argument. The intent is narrow: only a jury may ever reduce a parent's time on the ground of alleged crime.

Sections and changes. The bill adds a section to Family Code Title 5 on the civil effect of pleas and amends Code of Criminal Procedure article 26.13 (admonishments). In words, the section provides that (a) no plea of guilty or nolo contendere, deferred adjudication, plea agreement, stipulation, agreed order, or default, in any criminal or civil proceeding, is evidence of or a basis for any finding of abuse, neglect, endangerment, or unfitness in a suit affecting the parent-child relationship, or for any reduction of a parent's possession, access, or conservatorship; (b) a reduction on the ground of alleged criminal conduct may rest only on a jury's finding, whether a conviction by jury verdict or a unanimous jury finding in the family case by clear and convincing evidence; (c) no term concerning a parent's possession, access, or conservatorship may be made a condition of, or bargained for in, a plea, and any such term is void; (d) before accepting a plea from a parent of a minor child, the court admonishes the defendant in plain language and in writing that the plea cannot be used to reduce the defendant's time with the child, defense counsel certifies in writing that the defendant was so advised, and a misstatement by counsel, prosecutor, or court of the family-court effect of a plea is a ground to withdraw the plea; (e) an order that reduced a parent's time on the basis of a plea is voidable on motion at any time; (f) a judge who pressures a plea by reference to its family-court consequences is subject to referral to the State Commission on Judicial Conduct; (g) emergency safety orders remain available on a corroborated showing of imminent danger, for no more than fourteen days without a hearing with findings; and (h) the section regulates the civil effect of pleas and does not limit charging, bargaining, or the prosecutor's exclusive function. The jury rule of (b) is the same rule the abuse-allegations bill carries (Section 3.7).

Definitions. The bill defines "plea" to include each device listed in (a), "jury finding," "reduction of possession, access, or conservatorship," "emergency safety order," and the written admonishment and certification of (d). Whether "pressures a plea" needs a definition is open.

Transition and effective date. The bill applies to pleas entered, and orders rendered, on or after the effective date. Whether (e) reaches an earlier order is open, because it meets the bar on any "retroactive law" (Tex. Const. art. I, § 16).

Constitutional basis and anticipated challenge. The bill regulates the civil effect of a plea, not charging or bargaining, and so stays within the principle of *Meshell v. State*, 739 S.W.2d 246 (Tex. Crim. App. 1987), and Tex. Const. art. V, § 21 (Chapter 13, Section 13.3.4). The jury and clear and convincing evidence terms rest on the standard the State meets before it severs a parent from a child (*Santosky v. Kramer*, 455 U.S. 745 (1982)). The expected objection, that fewer pleas mean more trials and more child witnesses, is answered by Texas law already in force: the recorded statement admissible under Code of Criminal Procedure art. 38.071, § 2(a), closed-circuit testimony under § 3(a), outcry testimony under art. 38.072, and *Maryland v. Craig*, 497 U.S. 836 (1990). No source read examines the referral of a judge to the Commission under (f); counsel should examine it before filing. A severability clause is required.

Federal compliance note. No federal condition read applies. The prosecutor's function under Tex. Const. art. V, § 21 is left intact.

Fiscal estimate method. The note should price the added admonishments, motions to withdraw and to void, and any rise in trials and child-witness procedures; the report concedes that if pleas decline in some cases, trials will rise.

Open drafting questions. It is open whether (b) is stated once, here or in the abuse-allegations bill, with a cross-reference in the other. It is open whether an agreed possession order unconnected to a plea is outside (a), and whether the Commission referral in (f) needs a statute or rests on the Commission's existing authority.

4. The Joint Resolutions

A joint resolution needs two-thirds of all the members elected to each house, entered by yeas and nays (Tex. Const. art. XVII, § 1(a)), which is 21 senators and 100 representatives, and takes effect only if a majority of the votes cast at the election the Legislature specifies favor it (§ 1(a), (c)). Each is filed with the bills it enables, and each enabling bill carries a clause making it effective only if its amendment is adopted, except that the statutory duty to present in Section 3.7 does not wait on the first resolution.

The first, insurance and not a requirement, amends Article V, Section 21 to authorize presentation of a referred child-abuse case by a prosecutor other than the local one, and any stronger duty to prosecute, which *Meshell* otherwise bars, should the statutory duty to present be held to abridge the prosecutor's function. The second amends Article V, Sections 1-a, 11, and 28 so that only elected judges decide contested family matters, gubernatorial appointment to judicial office ends, and the State Commission on Judicial Conduct moves further toward elected and civilian membership with blind review, building on Section 1-a as amended Nov. 4, 2025. The third adds failure to pay child support, or any sum arising from it, to the bar on imprisonment for debt in Article I, Section 18, because support is held a legal duty and not a debt (*Ex parte Hall*, 854 S.W.2d 656, 658 (Tex. 1993), as quoted in later opinions). The fourth would give Article I, Section 37 a standard of review, a standard of proof, and a remedy,

questions the Supreme Court has left for “another day” (In re K.N., No. 24-0881, slip op. at 17 to 18 (Tex. June 5, 2026)); the bills give the section content by statute, and this amendment is a later option, not a first-session need.

5. Sequencing

Under Section 12.8, the data bill is filed on November 9, 2026, the first day of prefilings, so that a baseline exists before any substantive bill takes effect. Returns of the records requests already filed should be published when they arrive.

The structural bills follow in November and December, so that each receives a fiscal note and a hearing in the thirty days that Article III, Section 5(b) reserves for committee hearings after the first thirty days of the session, which convenes January 12, 2027. They are the findings and recording bill, the temporary orders bill, the equal-parenting bill, the evaluation standard, the judicial education standard, the ex parte reforms, and the plea failsafe, each with a delayed effective date and a transition clause. The associate-judge bill carries its twenty-four-month phase-in and is filed with the resolution on judicial selection.

The child-protection recommendations go to the Sunset Advisory Commission’s public testimony on the Department, tentatively November 18 and 19, 2026, and then into the Sunset bill. The divorce-grounds bill, the child support package, and the accountability chapter are filed with the structural bills, each stating the federal and constitutional constraints that bear on it. Section 12.8 does not place the abuse-allegation and nondisclosure bills; these specifications file them with the accountability chapter, a default design choice, open to the author’s revision. The Article V, Section 21 resolution is insurance, and the duty to present in the abuse-allegation bill does not wait on it.

Measurement closes the sequence. Every substantive bill requires the responsible agency to report, at fixed intervals, the outcomes the bill was meant to change, defined in the statute rather than by the agency, with pre-specified measures and an independent evaluator wherever a randomized or staggered rollout is possible, as it is for the alternatives to support enforcement. Kentucky’s 2018 presumption is the caution: no peer-reviewed or government evaluation of it was found, and eight years on no one can say with confidence what it did.