



Texas Parent–Child Emergency Protective Order Reform Act

Draft Bill Proposal – Formal Legislative Format

AN ACT

relating to Emergency Protective Orders affecting the parent–child relationship; ensuring due process and protecting constitutional rights.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. NEW LAW. A new section of the Texas Family Code is enacted to read as follows:

(a) Before granting any Emergency Protective Order (EPO) that restricts parental rights, custody, visitation, or contact with a child, the court shall require that a verified investigation be conducted to determine the validity of the allegations, unless immediate and demonstrable danger to the child is established.

(b) The investigation may be conducted by law enforcement, the Texas Department of Family and Protective Services (DFPS), Child Protective Services (CPS), or other appropriate agency. Findings from such investigation shall be submitted to the court prior to issuance of the order.

SECTION 2. Judges shall consider all findings from DFPS/CPS or other relevant agencies before issuing an order that restricts custody, visitation, or contact with a child.

SECTION 3. Any individual who knowingly provides false information, or who relies on expunged records in an application for a protective order, commits a misdemeanor offense.

SECTION 4. The purpose of this Act is to ensure due process and protect constitutional rights guaranteed under the 1st, 2nd, 5th, and 14th Amendments to the United States Constitution, while safeguarding the welfare of children.

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