



Emergency Protective Order Reform

Plain-Language Proposal – Parent-Child EPOs (Texas)

Problem:

In Texas, judges may issue Emergency Protective Orders (EPOs) that suspend a parent's custody, visitation, or contact with their child based only on allegations.

These orders often take effect immediately, without investigation, and can unfairly damage the parent–child relationship while infringing on constitutional rights (1st, 2nd, 5th, and 14th Amendments).

Proposed changes:

- Require a verified investigation before issuing a parent–child EPO, unless immediate and demonstrable danger is proven.
- Judges must review findings from the Texas Department of Family and Protective Services (DFPS) or Child Protective Services (CPS) before restricting custody or visitation.
- Make it a misdemeanor offense to knowingly provide false information or include expunged records in an application.
- Ensure judges conduct preliminary fact-finding before restricting parental rights, except in true emergencies.

Impact:

- Protects children by keeping true victims safe.
- Prevents misuse of protective orders in custody disputes.
- Safeguards constitutional rights and due process.
- Holds applicants accountable for honesty.