

It's Been 30 YEARS Since We Updated the Schedule Legally Presumed BEST for Kids. It's Time for a Change.

We have learned a LOT in three decades about what is best for children whose parents live apart.

PROBLEM: Millions of Texas children with two fit and loving parents have lived through court-ordered minimization of one parent due to our 30-year-old legal presumption that the standard possession order is best. ***We now know that it is NOT.***

The Texas Family code plays a vital role in helping separating and divorcing parents who disagree about their children's living arrangements to come up with a plan that is in the children's best interest. In playing this role, our law ***MUST*** presume what recent decades of peer-reviewed research says is best, ***and not presume an outdated schedule that was developed 30 years ago and is not supported by the results of current research done by experts on the outcomes for children of divorce.***

SOLUTION: Update the schedule in our existing legal presumption to align with what research says is best for children whose parents live apart. ***Start with equal parenting time for the child,*** and adjust as necessary from there to ensure that the child's best interests are met. ***Our law MUST protect each child's most important relationships and ensure that they have all the benefits of two involved parents whenever possible.*** ***Our current law fails to serve the real needs of children.***

FACT: Under current law, ONE parent can almost unilaterally deny a child's right to equally access that child's OTHER fit and loving parent. This damaging legal presumption alone demonstrates that the standard possession order is not in the best interest of our children.

Our law MUST protect a child's right to have access to both parents whenever possible by ensuring that we *start from equal access and adjust from there.* Here are just a few distressing things that you may not have been told about the schedule that our law CURRENTLY presumes is best for children whose parents live apart:

<p>4 hours in the 12 days between weekends twice a month</p>	<p>Under the status quo of the current law, in the 12 days between their weekend sleepovers with their minimized parent, a child has a total of 4 hours with them. The comfortable and secure parent-child relationship which is essential for a child's health and wellbeing CANNOT be grown and nurtured in two 2-hour blocks in 12 days.</p>
<p>87 total overnights per year</p>	<p>Under the status quo of the current law, a child has a total of 87 overnights PER YEAR with their minimized parent. They have a total of 2,117 parenting-time hours with their minimized parent, or the equivalent of 88 days per year. This is 24% of the child's time.</p>
<p>40% of time with one parent is in the summer months</p>	<p>Under the status quo of the current law, over 40% of a child's sleepovers with their minimized parent happen in a single 90-day window in the summer, leaving the child without the benefit of that additional time with that parent during the other 9 months of the year. Children need their parents year-round, and they live day-by-day – not annually.</p>
<p>Special legal knowledge <u>required</u></p>	<p>Under the status quo of the current law, if a child's minimized parent has the benefit of special legal knowledge that many lawyers don't seem to possess, they can elect alternative start and end times for the standard possession order. If they are aware of this special option at the start, a child has an additional 52 overnights with that parent PER YEAR. With this election a child still sees one parent more than TWICE as often as the other during the school year (29% vs 71%). <i>This is currently the max default available by law.</i></p>

OUR CURRENT LEGAL PRESUMPTION DOES NOT AFFORD CHILDREN THE SCIENTIFICALLY ESTABLISHED BENEFITS OF EQUAL TIME WITH BOTH OF THEIR FIT PARENTS. Why keep a presumption we ***KNOW*** is not best? ***The court-ordered loss of a good parent created by the default plan in our law is bad for Texas children!***

Update Our Presumed Schedule to What Science Says is in Kids' Best Interest: Keeping 2 Fit Parents Should NOT Require a Fight!

CURRENT PRESUMPTION

A child has ONE fit and loving parent minimized **BY DEFAULT.**

- X Presuming ONE parent to be "primary" creates conflict where none may have existed before.
- X Presumed best schedule requires a child to transition homes 10-12 times EVERY MONTH in addition to limited contact with one parent.
- X Attempts at creating geographical "stability" by being reared primarily by one parent creates psychological INSTABILITY for children. Judges and lawyers are not pediatric mental health experts.
- X If parents are in conflict, a secure attachment to both is essential. This is not afforded in SPO.

PROPOSED PRESUMPTION

A child keeps BOTH fit and loving parents **BY DEFAULT.**

- ✓ A child's right to be reared by both of their parents is protected.
- ✓ There is no incentive to weaponize a child in a custody battle when the child starts out as the winner who keeps BOTH parents.
- ✓ When no parent is PRESUMED to be "primary," both parents' sole focus can be creating a parenting plan that works best for the children.
- ✓ Access to both parents protects from psychological harm created by the perceived parental abandonment created by the standard possession schedule. With fit parents, there is NO child benefit to minimizing one parent.

WHAT REMAINS THE SAME WITH A PRESUMPTION OF EQUALLY SHARED PARENTING?

<p>NO CHANGE to any amount of <u>available judicial discretion</u> in contested cases.</p>	<p>NO CHANGE to any of the <u>full legal protection afforded</u> in situations of abuse and neglect.</p>	<p>NO CHANGE to any part of <u>child support or financial responsibility.</u></p>
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THE ONLY CHANGE: KIDS KEEP BOTH OF THEIR FIT AND LOVING PARENTS BY DEFAULT.

Does Texas Already Have Equal Parenting?

A CHILD'S <u>OVERNIGHTS</u> WITH EACH PARENT IN 2019		
In the Texas Family Code:	A Child's "Primary" Parent	A Child's Secondary Parent
LEGAL DEFAULT: Standard Possession Order	278 <i>overnights (76%)</i>	87 <i>overnights (24%)</i>
Maximum Time Available with Special "Elections"	226 <i>overnights (62%)</i>	139 <i>overnights (38%)</i>

THIS IS VERY SIMPLE MATH, SO WHY IS THIS EVEN AN ISSUE?

1. Have you wondered what is to be gained (or lost) by family law professionals who are misrepresenting how much time children actually have with their parents? **Clearly the math shows that our law does NOT presume children have equal time with their parents**, so why are legislators repeatedly told that it does? The only issue should be what is best for the CHILDREN, not the legal professional.
2. Please know that **kids DO NOT annualize time with their parents**. The fact that legal professionals have advanced this "annual time" narrative at all **demonstrates that they do not understand the very basics of pediatric mental health**. If legal professionals were putting the needs of children first, they would be asking you to examine whether the standard possession order that was developed **30 YEARS ago** still meets the legal standard of a "child's best interest." In fact, we now have decades of peer-reviewed research on children whose parents live apart that says that it is NOT good for children. **Legal experts are NOT pediatric mental health experts**, and they should NOT be advising legislators on what schedule is healthiest for children whose parents live apart.

Does Equal Parenting Affect Child Support?

NO, parenting time and child support are not connected in the Texas Family Code.

Parenting Schedule		Child Support Calculation for 1 Child
<u>Legal Default</u>	Standard Possession	20% <i>of Obligor's Income</i>
<u>"Expanded"</u>	Standard Possession with Special "Elections"	20% <i>of Obligor's Income</i>
<u>50/50</u>	Equal Possession	20% <i>of Obligor's Income</i>

We've had fully SHARED LEGAL custody in Texas for 24 years. So WHY do we presume a SET PARENTING SCHEDULE that LIMITS a child's access to one parent for ALL children whose parents live apart?

Texas law presumes that the possession schedule that provides the least contact between a child and that child's non-custodial parent is in the best interest of the child. While legally rebuttable and only ever intended to be the minimum, this presumption has become almost irrebuttable in operation in family courts. Furthermore, a rebuttal REQUIRES that one parent wage a legal war in order to ensure that the child keeps both of their parents. Conflict between parents is harmful for children. Our law should not promote it by default! The influence of this legal presumption is obviously also felt in all agreed-upon decisions that aim avoid the courtroom. (emphasis added below)

Sec. 153.252. REBUTTABLE PRESUMPTION. In a suit, there is a rebuttable presumption that the **standard possession order** in Subchapter F:

- (1) **provides reasonable minimum possession** of a child for a parent named as a possessory conservator or joint managing conservator; and
- (2) **is in the best interest of the child.**

But don't take my word for it – **read what former 3rd Texas Court of Appeals Justice David Puryear explains** in his concurring (but not controlling) opinion in a case where a father was seeking to fully share parenting responsibilities of his child: (emphasis added)

*"The legislature has direct[ed] [the] courts that "[t]he terms of an order that denies possession of a child to a parent or imposes restrictions or limitations on a parent's right to possession of or access to a child **may not exceed those that are required to protect the best interest of the child.**" Tex. Fam.Code Ann. § 153.193"*



*"Sadly, in many cases, trial courts attempting to dispose of messy divorces as equitably and expeditiously as possible simply **automatically adopt the minimum outlined in the standard possession order**[...]."*

*"**Courts have a responsibility to do more than automatically adopt a standard minimum.** Instead, in making and reviewing these decisions we need to recognize that the circumstances of each case will dictate different custody arrangements and that, for the children of Texas, one size does not fit all."*

*"Whatever latitude courts have in setting possession periods, **they do not have the discretion to automatically adopt the minimum and ignore the legislature's explicit directive in section 153.193 to allow maximum feasible time with both parents** unless doing otherwise would impair the children's interests."*

[In re J.R.D., 3rd COA Texas, Judge Puryear]

But what does the “standard possession order” ACTUALLY FEEL LIKE for a CHILD during a typical month?

4

Sleepovers in a typical month with their minimized parent

4 hours
in 12 days

Time with their minimized parent between their weekend sleepovers

0

School drop-offs or pick-ups with their minimized parent

0

School night bedtimes or morning wakeups with their minimized parent

If someone paints the Standard Possession Order in a positive light using annualized tallies of number of days and “eyeball time,” you can be sure **they are not thinking about the daily lives and mental health of children**, or they would explain what kids’ lives are **really like** under this order. Every child in Texas has a right to have frequent and consistent contact with **BOTH** loving parents, regardless of those parents’ relationship status. It is time to align Texas state law with decades of peer-reviewed research: children need both of their parents.

By most measures, Black men are the MOST INVOLVED and hands-on fathers. Does current Texas law SUPPORT or DETER their full involvement? The answer may surprise you.

Almost **9 in 10 Black voters in Texas** believe children whose parents live apart **have a right to spend equal time with both parents**, and more than **8 in 10** believe a law that would award equal time is needed.

Yet our state law currently **PRESUMES a child should lose most access to one parent** if those parents live apart. Given the above-average involvement of Black fathers, and the higher likelihood that these parents are not married, our state law must be changed to presume what is best for children, which is to protect all their important relationships. **Children of Texas need maximum time with both parents if they live apart.**

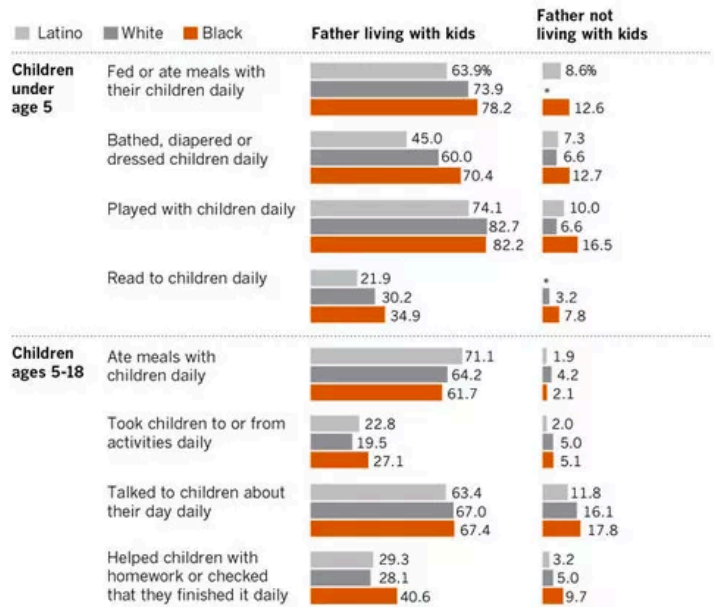
Whether they are living with their children or living apart from them, **Black men are often the MOST involved fathers**. Pew estimates that 67% of Black fathers who don't live with their children see them at least once a month, compared to 59% of white fathers. According to a 2013 report by the CDC, as shown by the orange bars on the chart to the right, Black fathers are more often **more involved** in hands-on parenting of younger children through **participation in daily meals, play time, reading, bathing, and dressing** – whether they live with their children or not. As his children grow older, Black fathers are often more involved in **taking children to daily activities and are typically far more involved with daily homework**. About 75% of black parents say a parent can never be too involved in a child's education. Nearly half of white parents agree.

Black Fathers show that the relationship status of a child's parents **does not** determine the level of parental involvement that is possible – in many ways, Black fathers are a model for positive father involvement in a variety of living situations. Given this, should our law **presume** that one parent should be minimized, such that it is **all but required to wage a legal fight if an involved father intends to stay present for his children** if the children's mother does not agree? Since fathers are the non-custodial parent in the presumed Standard Possession order 90% of the time, per the OAG **does our law SUPPORT or DETER active father involvement after parents decide to live apart?**

Texas state law currently presumes one parent should take a "visitor" role in their children's lives if their parents decide to live apart, which hampers ANY parent who intends to stay active in raising their children. In communities that are also dealing with a potential lifetime of structural systems of inequality and poverty, Texas law has an immense responsibility in preserving a child's access to their parents to ensure the best possible opportunity for healthy development.

Being an involved dad

By most measures, black fathers are just as involved with their children as other dads in similar living situations — or more so — according to a new report by the National Center for Health Statistics.



NOTE: Many differences between white, black or Latino fathers were not statistically significant due to margins of error. Fathers who live with some children and live apart from others were asked separately about each set of children and their different answers were counted in the two different categories.
 *Figure does not meet standards of reliability or precision.
 Source: National Center for Health Statistics

LORENA INIGUEZ ELEBEE Los Angeles Times

Black children need our help in disrupting the “school-to-prison pipeline” through protecting their right to access their father.

Research has shown that **positive father involvement** improves a child’s educational outcomes and personal confidence, minimizes counter-productive behavior, and decreases early sexual activity and other dangerous risk-associated behaviors. **Fathers play an essential and irreplaceable role in the lives of their children.**

At a time when **1/3 of young Black men can expect to go to prison in their lifetimes**, facing sentences that are almost 20% longer than what would be given to their white counterparts, **the protective role of father involvement** is an essential component of a lifetime of well-being for all our Black youth. Black fathers take this responsibility seriously, based on nationwide statistics about their involvement in their children’s lives in varied living situations.

Texas A&M University has found that **a history of disciplinary referrals at school is the single greatest predictor of future involvement in our criminal justice system.** This is the infamous school-to-prison pipeline. Research has shown that **lack of paternal involvement is predictive of juvenile delinquency.** The more opportunities a child has to interact with his or her biological father, the **less likely** he or she is to commit a crime or have contact with the juvenile justice system (Coley and Medeiros, 2007).

A separate study found that African-American boys **who identify their father as their role model have the best school outcomes**, including significantly higher grade point averages and being less likely to be truant from school (Bryant, 2003). Bryant also found that having positive role models within one’s immediate or extended family can protect adolescents from negative psychosocial risks. **There is no better role model for a child than that child’s engaged and present Father.** Our state laws should support this outcome whenever possible, regardless of their parents’ relationship status!

If the human toll on our children isn’t enough, the connection between the influence of school suspensions on future economic impact is strong: a 2016 report from The Center for Civil Rights Remedies estimates that overall suspensions in the 10th grade alone in a single year **produce more than 67,000 dropouts in the US in a single cohort of 10th grade students and cost our nation more than \$35B** in lost tax revenues over their lifetimes, together with increased social expenditures, including healthcare costs. Because Black students make up 13% of students, but they disproportionately make up 25% of suspensions in the study, the Black students alone account for \$2.8B of the fiscal losses. **Efforts to disrupt this pipeline will, therefore, disproportionately HELP Black students.** While we MUST also address unnecessarily punitive school discipline policies that have a disparate lifetime impact on Black students, we must ALSO enrich our children’s lives with policies that fully support strong father involvement whenever possible. **Engaged fathers improve school outcomes for our children, which benefits our society as a whole, and our state laws must uniformly support this much better outcome.**

A New York Times analysis of US census data shows that there are **1.5 million “missing” black men nationwide due to incarceration and early death.** That is equivalent to the entire black male population of New York City! Every human being is precious, but given the unjust structural systems of inequality that still persist in our society today, for Black children and their fathers, we have an outsized obligation to protect and nurture their relationships **by ensuring that our laws always encourage results that keep all children’s fit and loving fathers in their daily lives** – regardless of the parents’ relationship status.

DISCIPLINARY REFERRALS

the single greatest predictor of future involvement in the juvenile justice system. Father-enriched children have fewer disciplinary issues and have higher academic achievement than their Father-absent peers.

1 in 3

Black men can expect to go to prison in their lifetimes. This starts with harsh, no-tolerance disciplinary action in school.

1.5 million

Black men are estimated to be “missing,” due to incarceration or early death, nationwide - many of whom are Fathers.

Arizona has equally shared parenting: What do Arizona family law professionals think about the impact of this law 4 years after it was passed?

Do judges and family law professionals feel that *judicial latitude has been constrained* by the law ordering that parenting plans shall maximize each parent's respective parenting time?

The comprehensive professional perspective (see sidebar) reveals that:

- 1) The law is functioning as a **rebuttable presumption** of equal parenting time,
- 2) the law is evaluated positively overall by **family law professionals**, and
- 3) the law is evaluated positively in terms of **children's best interests**.

The professional perspectives represented in this follow-up study indicate that **judges have not been constrained in appropriately dealing with atypical cases** that required exercising judicial latitude, as the law is still seen as in a child's best interest several years after its implementation.

How likely are children of "good dads" in Arizona to get *equal time with their parents* if mom wants the children to live only with her?

According to the judges and attorneys surveyed, overall about 75%. Over 40% of respondents noted a **90-100% chance**. Children in Arizona who have two good parents are almost assured to keep both actively in their lives.

Which professional group is MOST satisfied with the law?

Conciliation staff attorneys and counselors view the law significantly more positively than do their colleagues in private practice. Conciliation staff are public employees of Conciliation Court. Three-fourths of respondents of this group were women. They are legal and mental health professionals trained in domestic violence, family dynamics, child abuse, and mediation who are most often utilized by families who are not represented by private attorneys.

Which professional group is LEAST satisfied with the law?

Lawyers and counselors **in private practice** who are hired by parents who are separating or divorcing.

Did the law increase conflict between parents?

The new Arizona law has had a **neutral impact** on parental conflict and on legal conflict according to the professionals surveyed. This is an important finding because potentially increased conflict is a hypothetical concern sometimes raised by opponents of a presumption of fully shared parenting.

About the Study

The paper referenced in this document, titled "What Happens When There Is Presumptive 50/50 Parenting Time? An Evaluation of Arizona's New Child Custody Statute," was published in the Journal of Divorce & Remarriage, Volume 59, 2018 - Issue 5: Part II by William Fabricius Ph.D., a leading expert on children of divorce. Dr. Fabricius played a critical role in the evolution of fully shared parenting in Arizona. The data came from a state-wide survey of the four family law professions in Arizona: conciliation court staff, judges, mental health providers, and attorneys.

The survey used was written by professionals in the family law space, including an attorney, a judge, and a conciliation court director. 209 responses were received. These responses represented 50% of the mental health practitioners in the state, 11% of the attorneys, 40% of the judges, and 82% of the county conciliation court staff. Some of the results of this study are shown to the left.

What is Conciliation Court in AZ?

What weight should the opinions of these public employees hold in the evaluation of the Arizona equal parenting law?

Conciliation Courts provide help to families who are either considering, or are in the process of, separating or divorcing. The purpose of these courts is to protect and preserve the family, to protect children's rights, and to reunite the family or otherwise bring an amicable resolution of family disputes. In short, professionals who work in these courts are supporting families in conflict who are making difficult legal decisions and decisions about parenting time for their children. There are NO fees for their services, so these professionals have no potential financial interest behind their opinions.

How Equally Shared Parenting Became a Reality for Arizona's Children

<p>Early 2000s</p> <p>Educating Family Law Professionals</p>	<p>Professional education played a critical role in the evolution of shared parenting in Arizona. A decade before the landmark 2012 shared parenting law was passed in Arizona, Dr. Fabricius was educating family law professionals, including judges, attorneys, counselors, and conciliation court staff, through professional events and continuing education, on the ever-increasing body of research about the importance of fully shared parenting for healthy children.</p> <p>By 2008, Dr. Fabricius found that <i>judges were developing strongly favorable attitudes of shared parenting</i> from a sampling in attendance at a professional event; and by 2010, at a similar professional event, he found that judges and commissioners <i>overwhelmingly endorsed awarding equal parenting</i> in a mock, and anonymous, professional exercise using hypothetical cases. Years of evidence-based education was paying off for children in Arizona.</p>
<p>2008</p> <p>Workgroup Formed</p>	<p>A committee called the <i>Ad Hoc Custody Workgroup</i> was formed by the Arizona legislature for the specific purpose of <i>considering reforms to Arizona custody statutes in response to accumulating research that showed that children benefit from maximum time with both parents</i>. This committee was chaired by Dr. Fabricius, a world-renowned expert on children of separation and divorce, and the author of the follow-up study presented on the reverse. The Workgroup included licensed counselors, lawyers, judges, domestic violence experts, and parents. The committee's goal was to protect the best interest of children while create a system that was less adversarial, less able to be manipulated by conflict-prone parents, and more able to efficiently self-correct when errors are inevitably made.</p>
<p>2010</p> <p>First Bill: Foundation for a Fully Shared Parenting Law</p>	<p>The first bill to come from this committee <i>became law in 2010</i>, adding sections <i>B & C below</i>. No definition of "substantial, frequent, meaningful and continuing" was provided, but this update further supported the trend towards awarding fully shared parenting in contested cases. (emphasis added)</p> <p>Arizona Revised Statutes Title 25. Marital and Domestic Relations § 25-103.</p> <p>A. It is declared that the public policy of this state and the general purposes of this title are:</p> <ol style="list-style-type: none"> 1. To promote strong families; 2. To promote strong family values. <p>B. It also is the declared public policy of this state and the general purpose of this title that absent evidence to the contrary, it is in a child's best interest:</p> <ol style="list-style-type: none"> <u>1. To have substantial, frequent, meaningful and continuing parenting time with both parents.</u> <u>2. To have both parents participate in decision-making about the child.</u> <p>C. A court shall apply the provisions of this title in a manner that is consistent with this section.</p>
<p>2012</p> <p>Second Bill: Maximized Parenting Time for Children</p>	<p>The second bill to come out of this committee <i>became law in 2012</i>. It was a comprehensive reform of the statutes regarding parenting time and decision making. <i>This bill passed with 90% of the votes</i> in both the House and the Senate. (emphasis added)</p> <p>ARS 25-403.02 Parenting Plans</p> <p>Consistent with the child's best interests, the court <i>shall adopt a parenting plan that provides for both parents to share legal decision-making regarding their child and that maximizes their respective parenting time</i>. The court shall not prefer a parent's proposed plan because of the parent's or child's gender.</p> <p>While Arizona <i>does not have a rebuttable presumption for parenting time</i>, the professional consensus in the follow-up study on the reverse is that <i>this law acts as a rebuttable presumption</i> in operation.</p>
<p>2018</p> <p>4-Year Follow-Up Published</p>	<p>A comprehensive four-year follow-up study was published in the Journal of Divorce & Remarriage, Volume 59, 2018 - Issue 5: Part II by Dr. Fabricius and four other authors. (See findings on reverse.)</p>

WHICH TEXANS OPPOSE AN UPDATED LEGAL PRESUMPTION THAT KIDS SHOULD KEEP BOTH FIT AND LOVING PARENTS AFTER THEY SEPARATE OR DIVORCE?

“Shared parenting has enough evidence [that] the burden of proof should now fall to those who oppose it rather than those who promote it.” - Dr. Sanford Braver, a leading expert on the best interests of children of separation and divorce, and Professor Emeritus in Psychology at Arizona State University¹

Children: SUPPORT

70% of now-adult children of divorce feel that equally shared parenting is in the best interest of children whose parents live apart.²

Scientists: SUPPORT

110 social scientists have signed on to a consensus paper stating that equally shared parenting is in the best interest of children whose parents divorce.³

General Public: SUPPORT

In the last 3 states where polls have been conducted, an average of 83% of voters are in favor of a legal presumption of shared parenting.⁴

Lawyer Lobbyists: OPPOSED

What do lawyers have to lose when it is presumed that kids should keep both of their fit, willing, and able parents in their life? As it turns out: a lot.

Lawyer lobby groups are among the strongest opponents of an updated legal presumption that children should have as much time as possible with BOTH of their parents after they separate or divorce in Texas. Why?

Because the \$5B “custody fight” industry in Texas potentially has a lot to lose when parents stop fighting in a winner-take-all system and start doing what decades of peer-reviewed research shows is in the best interest of the children, which is that kids should continue to be raised by BOTH of their fit and loving parents *whenever possible*, regardless of the parents’ current personal relationship. What role do lawmakers play in this? ***Our current legal presumption is that a child should lose most access to one parent after those parents split up, and our lawmakers are the only ones who can change it.***

When the law shifts to a presumption that children should keep both of their fit and loving parents – and not that one parent should be automatically minimized when parents don’t agree - **more parents will work towards a shared parenting plan that is in the best interest of children, without the need for legal intervention.** That is wonderful for the children! But it is bad for the business of divorce attorneys. Please consider:



Lawyers are not experts on the mental health of children. Decades of peer-reviewed research, and the now-adult children of divorce themselves, should have far louder voices in our legislative process than lawyers with deep pockets! Those who advocate for children cannot afford a large megaphone, but for the sake of the children whose future happiness and success in life is at risk, **the voices of child advocates must be heard.**



Lawyer lobbyists are at the Capitol representing the best interests of LAWYERS – not CHILDREN. There is a strong financial incentive for the legal industry to keep the winner-take-all status quo because it is good for business, **even though all the evidence suggests that the children lose almost every time.**

Most people don’t know that Texas state law presumes that when separating or divorcing parents don’t agree on a custody plan, **their children then should lose most access to one parent when the “battle” is over.** Because of the current presumption, children CANNOT win! Losing one parent, fighting parents, and college savings accounts drained by legal fees as parents fight over custody arrangements NEVER are in their best interest. ***NOW is the time to set things right.***

¹ International Conference on Shared Parenting (2017)

² Fabricius and Hall (2000)

³ Warshak (2014)

⁴ Public Policy Polling – Ohio, Kentucky, Missouri (2018)

Is the Standard Possession Order Still in the Best Interest of Children in Texas?

For the last 30 years, Texas state law has unintentionally created a massive father drought for millions of children in our great state. Professionals who profit off predictable and law-driven conflict between separating and divorcing parents want you to believe that a problem doesn't exist with our current legal presumption *that a child should lose almost all access to one parent after they separate or divorce* - because that is what is good for those professionals' businesses, even though it risks unnecessarily harming the children.

Millions of present and future children in Texas are praying you won't fall for it.

Here are some of the things that professionals who are fighting to keep our current outdated legal presumption intact **are hoping you won't figure out on your own about the Standard Possession Order:**

FICTION	FACT
<p><i>You may have been told that our current law provides 179 possession days (49% annually), and up to 200 days in some years.</i></p>	<p>In 2019, the Standard Possession Order will allow a child just 88 total overnights with their legally minimized parent for the entire YEAR, regardless of how fit, willing, able, and available that parent is. What's worse, <i>30 of those overnights will happen in just one summer month.</i> Losing frequent and meaningful access to a parent this way can have permanent and lifelong consequences for a child.</p> <p>So how could anyone say that the status quo provides almost equal time for children with each parent? Because anyone who wants to convince you there is no problem with our current presumption will count a "day" as any amount of contact a child has, even if it is just 2 hours. If you hear this argument, you can be sure this is someone who has a financial interest in keeping the status quo, even if that status quo is what allows children just ONE 2-hour visit during the 10-day blocks between their two weekend sleepovers with their minimized parent each month. It doesn't take any special professional knowledge to see that this limited level of contact between a child and one parent is unhealthy and may have lasting consequences.</p> <p>Children care about family dinners, bedtime routines, and walks to the bus stop with BOTH parents. Lawyers care about keeping a winner-take-all legal playing field where one parent is presumed to be minimized from the start— and 90% of the time that parent is Dad. *</p> <p style="text-align: right;"><small>*Per OAG, 90% of non-custodial parents are Fathers.</small></p>
<p><i>You may have been told that if someone complains that the court gave them very little time with their child, they probably aren't telling you the facts of their case.</i></p>	<p>It is our state's legal presumption that a child should lose nearly all access to one parent after they separate or divorce, regardless of how fit, willing, and able both of their parents are. <i>It's the law.</i></p> <p>30 years ago, children were given their first right to legally access their other parent through the Standard Possession Order. But today, we know this presumption is not in the best interest of children.</p> <p><i>This is a silent crisis currently affecting hundreds of thousands of children in Texas every day.</i></p>
<p><i>You may have been told that courts order reduced time when people can't cooperate.</i></p>	<p>It takes a single person to create the appearance of conflict between parents. If one parent can unilaterally destroy a child's ability to have both of their parents in their life, our system is fundamentally flawed. Joint legal custody is already presumed in Texas, and it's time joint physical custody is, too.</p>
<p><i>The goal of shared parenting advocates is to not pay child support.</i></p>	<p>Possession schedules and child support calculations are in entirely separate parts of the Texas Family Code, and they are unrelated to each other. Presuming children should keep both of their parents in their lives, unless it's not in their best interest due to specific concerns in their case, is the ONLY intention of shared parenting advocates.</p>

No child should ever be exposed to substance abuse or family violence for any reason. In these situations, our current legal presumption of joint legal custody would be rebutted, which means shared parenting would never be considered – period.

Should it be presumed that a child should keep their right to be raised by both of their parents after they decide to separate or divorce, unless the facts of their situation deem otherwise? ***THIS IS NOT HAPPENING IN TEXAS, and now is the time to change it.*** Our law must reflect what decades of research tells us is in the best interest of children: *they need both of their fit, willing, and able parents in their lives regularly - no matter their parents' past, present or future relationship status.*