86R14374 CLE-F

By:  Miller H.C.R. No. 92

CONCURRENT RESOLUTION

WHEREAS, State courts play an increasingly important role in assessing the risk of domestic violence and child abuse in families, and the risk to children of such violence and abuse is well documented; and

WHEREAS, Research shows that more than 50,000 children annually are left in the care of an abuser following a family separation and that after a perpetrator of domestic violence separates from the family, a child's risk of abuse increases even if the perpetrator has not previously abused the child; and

WHEREAS, The U.S. Department of Justice estimates that in 30 to 60 percent of cases in which domestic violence or child maltreatment is identified in the home, children in the home have experienced both forms of abuse; and

WHEREAS, According to the Domestic Violence Legal Empowerment and Appeals Project, abusive parents who are proven batterers are often granted sole or joint custody of children or given unprotected parenting time by a court over the objection of the other parent, placing children at risk of abuse; and

WHEREAS, Researchers for the Center of Judicial Excellence documented the deaths in Texas since 2008 of 68 children who were murdered by a parent involved in a divorce, separation, custody, visitation, or child support proceeding; often, the court granted access to the child over the objection of a protective parent; and

WHEREAS, It is critical to provide comprehensive training on domestic violence and child abuse issues to state court officials in order to better prepare them for their vital work; now, therefore, be it

RESOLVED, That the 86th Legislature of the State of Texas hereby respectfully urge the Texas Judicial Council to require all court-related professionals to be trauma-informed and trained in recognizing, evaluating, and understanding the evidence and impacts of domestic violence and child abuse; and, be it further

RESOLVED, That family court professionals prioritize the safety of a child who has witnessed domestic violence or is injured or abused and resolve child safety risks and claims of family violence before taking other actions in the best interest of the child; and, be it further

RESOLVED, That the Texas Legislature schedule hearings on family court practices with regard to the objective, fair, and unbiased adjudication of children's safety and civil rights; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the clerk of the Texas Supreme Court and to the Texas Judicial Council.