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H.C.R. No. 92

CONCURRENT RESOLUTION

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

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

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

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

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

24 WHEREAS, It is critical to provide comprehensive training on

1 domestic violence and child abuse issues to state court officials  
2 in order to better prepare them for their vital work; now,  
3 therefore, be it

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

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

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

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