

Child Custody/Conservatorship Research Guide

Overview

This research guide includes information and resources on child custody, also known as conservatorship, in Texas. Custody is often confused with guardianship, which can also be a separate process initiated through the probate courts. When dealing with a Texas child custody case, Texas judges are legally bound by the guidance of the best interests of the child standard – this means that the judge must strive to make a custody determination best serving the child’s mental, physical, and emotional needs. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Family Code

- Ch. 152 Uniform Child Custody Jurisdiction and Enforcement Act
<https://statutes.capitol.texas.gov/Docs/FA/pdf/FA.152.pdf>
- Ch. 153 Conservatorship, Possession and Access
<https://statutes.capitol.texas.gov/Docs/FA/pdf/FA.153.pdf>

Secondary Resources in Print

Texas Family Law Practice Manual REF KFT 1294 .T487

- Vol. 3, Ch. 36 Physical Possession of a Child
- Vol. 3, Ch. 40 Original SAPCR

Texas Family Law Practice and Procedure REF KFT 1294 .F35

- Vol. 1, Task B2: Determining Custody of Children
- Vol. 1, Task C3: Drafting the Petition and SAPCR
- Vol. 1, Task C8: Establishing Parenting Plans
- Vol.2, Task E2, Section C: Agreeing on Conservatorship of Children §E2.120 *et seq*
- Vol. 3, Obj. H, Modifying SAPCR Decree

O’Connor’s Texas Family Law Handbook REF KFT 1294 .A291 O26

- Ch. 4 Possession and Access, Section 4-E: Suit for Conservatorship

Texas Practice Guide REF KFT 1280 .T4931

- Family Law Vol. 3, Ch. 11 Conservatorship
- Family Law Vol. 3, Ch. 13 Modification of Conservatorship and Support

Building a Parenting Agreement That Works: Child Custody Agreements Step by Step KF 547 .L98

Dorsaneo’s Texas Litigation Guide REF KFT 1730 .T4

- Vol. 22, Ch. 371 Conservatorship

CLE Materials

Advanced Family Law KFT 1294 .S83

- 2021 Ch. 36 What Lawyers Need to Know to be the Better Advocate in a Disputed Custody Case
- 2021 Ch. 37 Creative Possession Orders
- 2021 Ch. 40 Geographic Restriction and Relocation
- 2021 Ch. 47 The Language of Child Welfare
- 2021 Ch. 52 Secondary Traumatic Stress and Child Welfare Law

- 2021 Ch. 70 How to Win a Custody Case
- 2020 Ch. 18 Only Daddy That'll Walk the Line: Standing – Who Gets a Seat at the Table?
- 2020 Ch. 37 Expert Testimony in a SAPCR
- 2019 Ch. 62 Trying Custody Cases on a Shoestring Budget

Advanced Family Law Drafting KFT 1294 .A92

- 2019 Ch. 3 Bespoke Custody Schedules
- 2019 Ch. 4 Child Custody Evaluations

Marriage Dissolution Institute KFT 1300 .M372

- 2022 Ch. 10 On the Road Again: Standard Possession Order Issues and the New Under 50 Miles Provision
- 2019 Ch. 9 Parental Alienation
- 2018 Ch. 16 Drafting, Negotiating and Litigating Pre-Schooler and Teenager Issues
- 2017 Ch. 13 Child Support: Coloring Outside the Lines
- 2014 Ch. 15 Grandparent, Step Parent, Same Sex Partner, and Third Party Standing and Access Issues

Child Custody and Support (TSLL)

<https://guides.sll.texas.gov/child-custody-and-support/child-custody>

Child Custody (TX Rio Grande Legal Aid)

<https://www.trla.org/child-custody>

Conservatorship and Adult Guardianships (NOLO)

<https://www.nolo.com/legal-encyclopedia/conservatorships-adult-guardianships-30063.html>

Electronic Communication with Your Child (Texas Law Help)

<https://texaslawhelp.org/article/electronic-communication-with-your-child>

Extracurriculars, School Activities, and Summer Camps (Texas Law Help)

<https://texaslawhelp.org/article/extracurriculars-school-activities-and-summer-camps>

Joint Managing Conservators Rights and Responsibilities (Texas Access)

<https://www.txaccess.org/joint-managing-conservators-rights-and-responsibilities>

Parents' Rights to Participate in Their Children's Education (Texas Law Help)

<https://texaslawhelp.org/article/parents-rights-to-participate-in-their-childrens-education>

Standard Possession Order (Texas Access)

<https://www.txaccess.org/standard-possession-order-and-parenting-time>

Online Resources

Access and Visitation (TX Attorney General)

<https://www.texasattorneygeneral.gov/child-support/families-and-parenting/access-and-visitation>

Adoption or Permanent Managing Conservatorship

https://www.dfps.texas.gov/Child_Protection/Adoption/Adoption_or_PMC.asp

Best Interest, Using the Holley Factors in Child Custody Cases

<https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=35145>

Children Under the Age of 3 (Texas Access)

<https://txaccess.org/children-under-age-3>

Child Custody and Visitation (Texas Law Help)

<https://texaslawhelp.org/family-divorce-children/child-custody-visitation?page=1>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)