



CHILD CUSTODY

- » Texas law assumes that joint managing conservatorship (both parents having access to the child) is in the best interest of the child, but credible evidence of family violence (including protective orders) can override this. If there is a finding of family violence, the abuser cannot get sole conservatorship.
 - If there is proof of family violence in the last two years, the court may not allow access unless there is no danger to the child's mental or physical health, and visitation is in the best interest of the child.
 - If the court allows access, there must be safety provisions including: supervised visits; safe exchanges; no alcohol/drug abuse within 12 hours prior or during visits; and completion of a batterers intervention and prevention program.
- » Sometimes the parties are ordered to attend mediation. If this happens, a survivor can object and request a waiver. If the court still orders mediation, there must be safety factors put into place.
- » Once a child custody order is determined, the parties are obligated to follow the custody and visitation order, regardless of if an abusive partner pays child support.
- » Check out Texas Law Help's [Child Custody and Conservatorship Fact Sheet](#) for basic explanations and terms around child custody.

OBTAINING CHILD CUSTODY

- » Child Custody can be established by filing a suit with a private attorney, filing a suit pro se (on your own), or by applying for child support services with the Office of the Attorney General. A survivor may be legally required to appear in court to establish child custody.
 - Check out the [Texas Attorney General's FAQ](#) and www.getchildsupportsafely.org for more information about opening a child support suit.
- » Advocates can keep a list of legal aid and private attorneys with expertise in family law and family violence to best represent survivors. Check out this [map](#) of different Legal Aid agencies in Texas.

SAFETY ISSUES WITH CHILD CUSTODY

- » Abusers often manipulate survivors through court orders. Help survivors develop a specific safety plan for their involvement in the court system.
- » The survivor could consider requesting additional safety provisions in the custody order, such as setting very specific communication rules, and if the abuser comes more than a certain number of minutes late, the visit is forfeited. Survivors can document all violations of court orders.