

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.

Related guides: Child Support, CPS, Enforcement and Contempt, Paternity

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. 2, Ch. 40 Original SAPCR

- Vol. 3, Ch. 41 Modification
- Vol. 3, Ch. 55 International SAPCR Issues

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 §2.120 *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

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 22, Ch. 371 Conservatorship

CLE Materials

Advanced Family Law KFT 1294 .S83

- 2021 Ch. 8 Texas Evidence Handbook, Section VII. H. In-Chambers Interviews of Children, pgs. 31-36
- 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

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

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-](https://texaslawhelp.org/family-divorce-children/child-custody-visitation?page=1)

[children/child-custody-visitation?page=1](https://texaslawhelp.org/family-divorce-children/child-custody-visitation?page=1)

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>

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)