

To the Honorable Senator or Representative:

RE: PLEASE REQUEST ATTORNEY GENERAL OPINION

We are mothers, fathers, children, and grandparents. We share one thing in common. We love our children and we want the state of Texas to stop destroying our parent-child and grandparent-grandchild relationships simply because our children's parents make the constitutionally protected private choice to never marry each other or to divorce each other. We ask you to respect the equal rights of all parents to maintain their First Amendment protected free family association rights with their children. We ask you to protect each parent's First Amendment right to teach their child their own personal moral, civic, and religious values and beliefs through formal instruction and through example provided through everyday routine interactions with their children. We ask you to protect each parent's right to worship together with their child as a family and the child's right to worship with each extended family.

We ask you to stop impoverishing our children to enrich attorneys, so called mental health professionals, and the many others who feed at the family law trough. We ask you to stop enriching the state through extorting unreasonable and irrational amounts of child-support from fit parents who would prefer to exercise their constitutional right to live together with their child as a family and to provide for their child fully and directly during their equal parenting time with the child. We ask you to stop putting fit parents in jail when they cannot pay the extortionist sums our family courts impose on them, after stealing their children from them, for no other purpose than to increase the Title IV-D funds the state receives from the federal government.

We ask you to stand up to the federal government and its Title IV-D payments for destroying families. We ask you to preserve all families in Texas, even those where a child's parents are not married to each other. We ask you to protect all family units, not just the state's preferred nuclear family model. The federal constitution provides protection to parent-child family units regardless of the marital status of the child's parents. We ask you to respect this protection and implement it at the state level.

We are asking you to stop discriminating against families whose parents are not married to each other. We are asking you to finally and forever, end the discrimination based on marital status which the Texas Family Code is founded upon.

We are asking you to stop punishing our children for the constitutionally protected choices their parents make. It is utterly unfair and unjust to punish children for constitutionally protected actions over which they have no say and no control. Our children are innocents and instead of protecting them, the Texas Family Code punishes them with loss of constitutional rights so that the state of Texas can profit from federal government programs. Please stop enriching the state's treasury on the backs of our children.

If preserving the best interest of the child is a necessity, we ask you to apply the standard as equally to married parents, and as equally to the state when it cares for children as you do to parents who are unmarried to each other. If preserving the best interest of the

child is a necessity, we ask you to explain to parents with more than one child how they can always put the best interest of each child first.

If courts are always to put the best interest of children first, we ask you where constitutional rights of parents and children are to be placed? Are our rights secondary to a sole government official's mere opinion of a child's best interest? Does our constitution truly crumble in the face of nothing more than a difference of opinion between a state court judge and a fit parent? Do we have the kind of freedom in Texas where a single individual can deny a fit parent's rights to their own child simply because that single individual wants to?

Texas judges are telling us that the Legislature has authorized them to deny our fundamental constitutional rights and the rights of our children based on nothing more than their personal opinion and that if we don't like it you have authorized them to put us in jail for protesting. We ask you, how can it be in a child's best interest for a government official to violate the child's constitutional rights based on nothing more than that sole official's personal opinion? We ask you what authority the Legislature has to order anyone to violate the constitution? Is that even within the Legislature's legitimate power?

We understand that you are a single individual and cannot change the laws yourself and we are not asking that of you. What you can do as a single individual, holding the office you hold, and what we are asking you to do is to formally ask the Attorney General to issue a legal opinion. You may do so through a committee you are a member of or by requesting the Juvenile Justice and Family Issues Committee to make the formal request. We are asking for a formal opinion from the Attorney General of Texas on the following specific questions:

1. Does the State's Legislature have legitimate authority to authorize any state officer to violate the constitution or to violate constitutional guarantees for any person?
2. Does the State's best interest of the child policy, or any state statute, authorize a state court judge to infringe the fundamental rights of a child in a SAPCR proceeding between fit parents?
3. Do parents in a SAPCR proceeding between fit parents have constitutional guarantees for their constitutional rights?
 - 3.1 Do they have a right to know what those constitutional guarantees are?
 - 3.2 Do they have a right to "a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law?"
 - 3.3 Does the State's best interest of the child policy obviate any of the parent's due process rights, due course of law rights, or any other constitutional rights or constitutional guarantees?
 - 3.4 Are infringements of fundamental rights in SAPCR proceedings subject to constitutional review at either a rational basis, enhanced scrutiny, or strict scrutiny standard of review?
4. When a fit parent files a SAPCR petition against another fit parent, what constitutional threshold conditions are necessary before a state court judge is

authorized to infringe constitutional guarantees, or is the mere filing of a SAPCR petition sufficient to authorize a state court judge to infringe constitutional guarantees?

5. Is there a federal policy that it is always in the public interest to prevent violation of constitutional rights?

5.1 Does this federal policy take precedence over the state's best interest of the child policy?

Juvenile Justice and Family Issues Committee:

- Chair: Rep. Harrold V. Dutton Jr.
- Vice Chair Rep. Tony Dale
- Rep. Kyle Biedermann
- Rep. Briscoe Cain
- Rep. Joe Moody
- Rep. Mike Joe Schofield
- Rep. Shawn Thierry

Sincerely,

FULL NAME

COUNTY

STREET ADDRESS