

The Best Interest of the Child: Six Recommendations

Public comment to the Texas Commission on Marriage and Family, meeting of October 13, 2026
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H.B. 3284 asks the Commission to recommend strategies that "reduce the incidence of divorce and family dissolution." The Commission received my full report, *The Best Interest of the Child*, as written comment on October 8. Chairman Caton asked for its six main points. Each is below, with the page of the recommendation and the evidence behind it.

The six points

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| 1 | Equal parenting. Presume equal parenting time with each fit, willing, and able parent, rebuttable only by clear and convincing evidence, with written findings. Family-violence protections stay unchanged. | Rec. p. 198
Evidence Ch. 2, pp. 39–44 |
| 2 | Written findings and a recorded record. Written findings in every ruling on conservatorship, possession, or placement, and a recording of every hearing. | Rec. p. 200
Ch. 4, pp. 77–78 |
| 3 | A right to an elected judge. Contested conservatorship and possession are heard by the elected judge unless the parties consent otherwise. | Rec. p. 201
Ch. 4, p. 74 |
| 4 | One Standard Protocol for custody evaluations. Replace the open-ended evaluation with a fixed battery of validated measures, scored blind; a second evaluation only on a good-cause finding. | Rec. p. 202
Ch. 6, p. 102 |
| 5 | Divorce grounds. Repeal the fault-free grounds (Fam. Code §§ 6.001, 6.006) as the lead recommendation, with an express ground for family violence or child abuse. | Rec. p. 197
Ch. 3, pp. 63–66 |
| 6 | Public data on outcomes. Direct the Office of Court Administration to publish custody and possession outcomes by court, so the Legislature can see what works. | Rec. p. 209
Ch. 11, p. 186 |

Why it matters

The Family Code makes the best interest of the child "the primary consideration of the court" (§ 153.002) and declares a policy of "frequent and continuing contact" with both parents (§ 153.001(a)(1)). In 2025 Texans placed a parent's "fundamental right to exercise care, custody, and control" in the Bill of Rights (Tex. Const. art. I, § 37). In fiscal year 2025, Texas district courts disposed of 282,099 family cases; 109 were decided by a jury. Joint custody is associated with better child adjustment across 33 studies (Bauserman, 2002). These are findings about groups of children, not predictions for any one child.

What I ask of the Commission today

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- A **Record receipt.** That the chair state on the record that the report was received, and that the minutes record its receipt and its referral to the Commission's family-law attorneys.
- B **Carry it forward.** That a member move to attach the report, or these six points, to the Commission's final report or its Bonus Report on Reforming Family Law, so the Legislature receives them with the Commission's work before the November 1, 2026 deadline.
- C **Review.** That the Commission's family-law attorneys contact me with questions, and that their review reach the members before the November 10 meeting.

Where to read it

Full report (Executive Summary and recommendations, pp. 6–10):

<https://drive.google.com/file/d/1paUWinAWhNlbYWOjcCNCITJX5b9emBVR/view>

Report, summary, and model bill specifications (public folder):

<https://drive.google.com/drive/folders/11cVlcJtZZTaS-k0XZoHm-AeDhbl0W50G>

About this comment

Dr. McKenzie completed and passed the full 30-case reliability test for analysis of the Adult Attachment Interview on January 2, 2009, certified by Mary Main and Erik Hesse of the Department of Psychology at the University of California, Berkeley. He is not a licensed psychologist and is not an attorney; nothing here is legal advice. The report is self-funded. He provides attachment assessment and training commercially; every recommendation is a vendor-neutral standard and names no product or provider.

Six points. One standard: the best interest of the child, measured by the evidence. Thank you for your service to Texas families.