



Texas Parental Rights Association

"Equal Rights for Equally Fit Parents. Period."

Details of federal class action arguments

If you are a "noncustodial" parent because of any TEXAS "family" court (or other Texas court), with an active case, or at least recent case, and without formal CPS history, you are most likely eligible to join online as a fellow co-plaintiff.

Visit <https://TexasPRA.org> for more information today!

Here's what you wanted to dig into, as the expanded version with details. Stay tuned!!!

1. Family courts **cannot** actually "grant" or "award" child custody betwixt adversarial parents, because both **already had** full and equally full child custody rights prior to that family court, and those rights were never taken away yet;

Full narrative details:

The family court **literally** stole your fundamental rights, without ANY due process, whatsoever.

You need to finally remember, or finally realize..., that you **already had** full custody rights to your child/ren **before** you ever got involved with any family court. There is no magical difference of any kind between yourself (a natural parent opposing the other natural parent over your mutual child/ren), versus some given parent targeted by an actual CPS case, versus the random other natural parent out there who has never been involved with any court for anything -- every natural parent **already has** full legal and physical custody rights to their minor child from the very moment of that child's birth. This is why parents (and ONLY the actual parents) can **legally** sign school field trip permission slips, make any and all medical, education and all other life decisions for their child, dictate the child's diet, the child's religion if any, and also decide literally everything else for their child. It is **because** the fundamental rights of child custody **already exist** in each corresponding natural parent in total regards to their minor child/ren.

This is also **why** the legal goal of every CPS case is to "terminate" or "remove" the targeted parent's child custody rights... because those rights **already pre-exist** in every natural parent, so the State has to terminate or remove (takeover) the legal custody rights to the poor child/ren in that sad situation (by proving serious unfitness), so that the State THEN can later **actually give away** those child custody rights to someone else

“better” (as a temporary “grant” or “award” of child custody to foster parents, or as a permanent “grant” or “award” of child custody to adoptive parents).

But the family court (the power of the State) in your own personal case never terminated or removed your own exact same pre-existing fundamental rights of child custody, and that family court never actually took over custody rights of your own natural child/ren in the first place, all properly done via an actual CPS case with full due process, so that it could then actually “award” or “grant” custody of your child/ren to **either** you **or** your opposing parent... let alone the glaring fact that, without ever being proven as legally unfit by a bona fide CPS case, both you **and** your opposing parent already had and have full and equal shares of those same fundamental child custody rights, as still deemed legally fit (and under law, equally fit) parents.

The family court could NEVER actually “grant” or “award” custody to EITHER natural parent in your type of situation, because both of you **already had and have** full and equal custody rights. The ONLY thing that your family court could ACTUALLY do to you is “terminate” or “remove” your pre-existing child custody rights (but again, only via an authentic, full-blown CPS case proven first).

The family court **cannot** giveaway custody it has **not** yet obtained, to **either** of parents who **both** already have full custody. The entire notion is ridiculous, and is a blatantly unconstitutional fraud, farce and sham on its plain face. The family court **literally** stole your fundamental custody rights by just pretending that they didn’t even exist (and by further pretending that it could then “award” or “grant” those fundamental rights in whole or part BACK to you or not as it pleases). And yet the same family court judges, and many family law attorneys, work in CPS cases also, *so they already knew* that every natural parent already has those very same pre-existing fundamental rights.

Literally stealing your pre-existing fundamental constitutional rights, by just falsely pretending that they don’t even exist, is a blatant fraud of such epic magnitude to clearly void your entire case for absolutely total lack of ANY of the required pre-deprivation due process steps ever performed, whatsoever -- a manifestly egregious “structural” violation of due process which voids the entire case as fatally invalid.

2. Court matters of *just the parents themselves*, who are **not** blood-related, can be processed under the mere “preponderance” evidentiary standard, yes, sure, but it is unconstitutional to separate **direct-blood** relationships, *such as any parent-child relationship*, without using the “clear and convincing” evidentiary standard, also along with affording full due process steps in that process;

Full narrative details:

Family courts cannot use an insufficient evidentiary standard over child custody.

Family courts simply cannot use the mere preponderance evidentiary standard to affect child custody rights, but must always use the clear and convincing evidentiary standard when it comes to any direct-blood relationship, let alone regarding your parent-child relationship, which is a direct-blood relationship of the **first** degree of kinship... the most important kind of direct-blood relationship that exists under law.

Courts can use preponderance of the evidence to separate non-blood relationships, like between you and your opposing parent, but courts cannot use mere preponderance to separate or even diminish direct-blood relationships like your own parent-child relationship(s). Again, this is why an actual CPS case (filed only by the State itself) always uses the clear and convincing evidentiary standard of proof to attack parental custody rights. Using an insufficient evidentiary standard is a “structural” violation of due process which voids the entire case as fatally invalid.

3. Parental rights are ***fundamental*** rights, not mere privileges. Although Texas allows jury trial option over Parent-v-Parent custody *later on down the line...*, it fails to provide this defense option **up front** as constitutionally required so as to protect against any arbitrary and/or summary losses of those *fundamental* rights;

Full narrative details:

Every such case lacked jury defense option **before** deprivations of fundamental rights.

Child custody rights of natural parents are well recognized as fundamental rights, the highest form of constitutional rights, absolutely protected by full due process procedures before any fundamental right may be deprived, and such full due process includes the right to have the proof proven by way of full jury trial at the option of the person whose such right is being attacked.

Texas is the only State that does, in fact, provide for a jury trial option over normal child custody disputes between the adverse parents (which itself is invalid because the State is the only proper party that can even attempt to modify any parent’s child custody...), but even Texas courts issue “temporary” and other orders (whether in a divorce case, paternity case, child support case, protective order case, and/or similar/related case) that unconstitutionally bypass the required due process availability of jury trial option to defend against just being summarily deprived of fundamental rights, i.e., under various Texas statutes, the state courts unconstitutionally pretend they can just negatively impact and deprive you of your protected fundamental custody rights without ever (1) even recognizing that your same pre-existing rights already exist, (2) further recognizing those rights as protected fundamental rights entitled to full due process procedures (3) under clear and convincing evidence, and specifically also (4) providing you with that option of jury trial to defend against the potential loss of your parenting rights.

Lack of available jury trial option *up front* for defense against any possible deprivation of fundamental rights, by such “temporary” or such other described “family” orders, is a “structural” violation of due process which voids the entire case as fatally invalid.

4. Parents actually have **no** valid legal standing *to sue each other* over child custody, in the first place. Again, parental rights are *fundamental* rights... and ***only*** the State itself has legal standing to attack *fundamental* rights (*see, a bona fide CPS case*); and,

Full narrative details:

Natural parents cannot actually sue each other over child custody.

Let me rephrase that just slightly: *private parties* cannot sue each other *directly* over *fundamental rights*. Regarding the normal child custody dispute between the adverse parents, that in itself is directly invalid on its face, because the State is the **only proper party** that can even attempt to modify or decrease or deprive any natural parent’s child custody. **ONLY** the State itself has the potential cause of action, under the *parens patriae* legal doctrine, to attempt to modify and/or limit, in any way, some natural parent’s fundamental rights of child custody. Simply put, **no** private citizen, including the other natural parent of your child/ren, has **EVER** had valid legal “standing” to sue you in any attempt to either modify or decrease or deprive your fundamental rights of child custody. *Only* the State itself has legal standing to sue any natural parent in regards to their child custody rights.... *See again, a bona fide CPS case.*

Another private party can **indirectly** attack you regarding public speech (fundamental First Amendment rights), but **ONLY** if they invoke the governmental power, *via complaint*, because you allegedly **abused** that constitutional right. Another private party can **indirectly** attack you over your possession of guns (Second Amendment right to bear), but only if they are a victim of your guns (personal harm or threat of personal harm), thereby invoking government power because you allegedly **abused** that constitutional right. That same private party can sue for *torts* like personal injury, mental anguish, etc., but *only* the State can directly attack the “possession” (2A right to bear) aspect, because that part is a *fundamental* right. Another private party, even your opposing natural parent, *cannot* sue you **directly** to limit or modify or take away your fundamental constitutional rights of child custody.

However, a private party can still **indirectly** invoke the government power (the State) against your child custody rights, but once again, **ONLY** if you have **abused** that fundamental right, i.e., you have committed serious child abuse and/or serious child neglect, by that private party (even your opposing parent) filing a valid *complaint with some arm of the government* to investigate (the whole idea falling under the very same *parens patriae* legal doctrine as CPS cases). And so likewise again, the only direct legal standing for such situation is by the State itself, via filing a bona fide CPS case with full

due process steps including jury trial defense option. Your entire child custody case, regardless of which of you parents “sued” the other, is flatly and entirely void for lack of ever having proper parties in the first place, i.e., it is void for lack of proper parties (lack of standing), and once again, such a manifestly erred foundation of the case itself is a “structural” violation of due process which voids the entire case as fatally invalid.

To clarify an important distinguishing aspect, adult citizen parents (who are *not* blood related, by definition) can sue each other directly all day long, under mere preponderance, to separate their **own** relationship (divorce or similar, divisions of assets and debts, and any such related matters), but they have no legal standing to **directly** sue each other for seeking any impingement and/or deprivation of their direct-blood parent-child relationships, because those rights are constitutionally protected fundamental rights, which can only be directly attacked by the State itself.

5. The Title IV-D system unconstitutionally creates *direct* pecuniary conflicts of interest in the court officers *themselves* (judges, clerks, prosecutors), by dividing out financial shares of pass-through bank interest earned upon all of the many, many child support payments therefore always ordered to be paid into their specific “SDU” accounts.

Full narrative details:

The Title IV-D kickback scheme unlawfully incentivizes direct conflicts of interest by court officers.

The reason **why** every Texas family court orders any and all child support to be paid into the official “SDU” (State Disbursement Unit) accounts is because these “holding” accounts earn interest -- LOTS of interest money earned upon all of the many child support payment amounts passing through, on their way to being later disbursed out to the so-called “custodial” parents. This huge amount of bonus monies earned via said interest-bearing pass-through accounts is then divided out in pro-rata shares paid to the salaries and/or budgets of the judges of the county, the main clerk of the county, the local prosecutor, and even to the county itself.

The more child support is ordered, the higher each of their respective kickback interest share cut amounts. This direct pecuniary benefit of each child support case processed is a directly unethical conflict of interest, i.e., the officers of the court themselves have direct conflicts of interest in every single Title IV-D child support case that they create and process and enforce, all of which is highly unconstitutional on its face. Even the county itself has a conflict of interest (as to proper venue) regarding its own Title IV-D cases.

It is basic Legal 101, it is axiomatic, that no judge may ever be involved with either creating and/or presiding over any case in which the judge derives any pecuniary benefit

(not to mention also the conflicts by the main clerk, and potentially by the local prosecutor too for any such future enforcement of said child support). Having a judge with a (known, i.e., premeditated) direct pecuniary conflict of interest to the case itself is a “structural” violation of due process which voids the entire case as fatally invalid. Normally such an ongoing sham is called a fully premeditated criminal spree of endless theft and/or fraud, which also makes it graft, subject to federal RICO claims, and etc.

6. **Each** of the above five (5) issues is another *separate* “structural” violation of due process, *each* independently rendering the very foundational framework *of the case itself* as fundamentally erred from the very outset, and so the *entire* given court case, regardless of whatever supposedly happened therein, is entirely a legal nullity, a “case” that was and is wholly void *ab initio*, not just for any *single* structural violation of due process, but for each of the above five reasons.

7. Therefore, each and every such same Texas court case of any kind betwixt adversarial natural parents (*whether via family court, protective order court, child support court, and/or etc.*) is **absolutely void** in literally all respects to the given natural parent’s fundamental rights of child custody, clearly every such injured parent is manifestly entitled to relief in various forms, and clearly Texas’ state courts must be immediately enjoined into full constitutional compliance with fundamental due process steps regarding those same inherent and pre-existing rights of all natural parents.

We will send all above such eligible parents (which currently includes 1.1M+ parents, according to AG Paxton) to the following online registration form, to join as a new Member of the Texas Parental Rights Association (“TexasPRA”), hence also simultaneously joining as a new co-plaintiff Member of the “Lead” Class in the class action lawsuit itself, *hence entitled to early bird relief* along with the entire Lead Class:

<https://form.jotform.com/250568436087162>

If you are eligible, you do ***not*** want to miss out on joining the early bird co-plaintiffs!!

Please DO share this information with all other victims of the family court system today!