



CODY HENSON

Judge

Burnet County Court at Law

220 S. Pierce St. | Burnet, TX 78611

Date: DECEMBER 23, 2025
To: ALL ATTORNEY'S PRACTICING IN BURNET COUNTY COURT AT LAW
From: CODY HENSON, PRESIDING JUDGE
Re: Texas Family Code § 102.0031 – Required Affidavit for Standing of Nonparent

I. PURPOSE OF MEMORANDUM

This memorandum is issued to highlight important recent legislative enactments affecting non-parents filing or intervening in Suits Affecting the Parent–Child Relationship (SAPCRs). These changes are only applicable when a parent is another party to the suit.

II. LEGISLATIVE AUTHORITY AND EFFECTIVE DATE

Effective September 1, 2025, the Texas Legislature enacted Texas Family Code §102.0031, entitled "Required Affidavit for Standing of Nonparent." The enacting legislation provides that the statute applies to cases pending in a trial court on or after the effective date, as well as to SAPCRs filed on or after that date.

III. STATUTORY AFFIDAVIT REQUIREMENT

Texas Family Code § 102.0031 requires the filing of a sworn affidavit in support of a nonparent's requested relief. The affidavit must:

- Be executed by a person with personal knowledge of the facts stated;
- Be filed in accordance with the statute;
- Set forth specific facts supporting the asserted basis;
- Allege facts demonstrating that denying the requested relief would significantly impair the child's physical health or emotional development; and
- Contain factual allegations rather than legal conclusions, speculation, beliefs, or generalized best-interest assertions.

Affidavits that merely recite statutory language, state conclusory allegations, or rely solely on generalized concerns are insufficient.

IV. STATUTORY CONSEQUENCES OF NONCOMPLIANCE

Texas Family Code § 102.0031 imposes a mandatory duty on the Court. If the Court determines that the filing omits the required affidavit or that the affidavit does not contain facts sufficient to support the requested relief, the Court will deny the requested relief and dismiss the suit or strike the pleading as required by the statute.

V. NOTICE TO COUNSEL

Attorneys are encouraged to review Texas Family Code § 102.0031 carefully and ensure compliance with its requirements.

Respectfully,

A handwritten signature in blue ink, appearing to read "Cody Henson", is written over the typed name and title.

Hon. Cody Henson
Burnet County Court at Law