CECILIA M. WOOD*
Attorney and Counselor at Law, PLLC

Telephone (512) 708-8783
Cecilia@ceciliawood.com

1122 Colorado Street,
102P
Austin, Texas 78701

***Board certified - Family Law**
Texas Board of Legal Specialization

January 25, 2026

To the Honorable Jimmy Blacklock
Chief Justice and
The Justices of the Texas Supreme

RE: Case No. 24-0881; In the Interest of K.N., K.L., K.L., and K.L., minor children

May It Please the Court:

Amicus Curiae offers this brief to contribute to the discussion raised by this Court's request for supplemental briefing and questions asked during oral argument regarding the impact of the parental rights amendment. Tex. Const. art. I, § 37. Amicus Curiae has invested many years in collaborating on this amendment.

The United States Constitution is written in such a way that the American people can legislate themselves into holy hell.[1] The Texas parental rights amendment does not negate, diminish, or replace the protections guaranteed to parents via the 14th amendment to the United

States Constitution. U. S. Const., amend XIV; *Troxel v. Granville*, 530 U.S. 57, 66, 120 S. Ct. 2054, 2060, 147 L. Ed. 2d 49 (2000); *In re C.J.C.*, 603 S.W.3d 804, 807 (Tex. 2020). It does ensure that in the event the rest of the nation attempts to deprive parents of their fundamental rights or fails to adequately protect them, the State of Texas must continue to honor and protect the inherent rights of Texas parents. It also declares that these inalienable rights, which have been deeply rooted in Texas culture and historically recognized, remain relevant and important to Texas citizens in 2025 and should continue be protected from government interference for future generations. Finally, it provides a safeguard should the "ever evolving standards" of the culture mentioned by Chief Justice Blacklock begin to be adopted by Texas courts as the standard. The fundamental nature of these inalienable rights will remain inviolate unless changed again by constitutional amendment and abandoned by the entire nation.

The amendment does not create new rights. It "enshrines" inalienable rights which existed as "truths" even before they were legally acknowledged and declared. Consequentially, it also protects a child's equally important interest in maintaining a relationship with

the parents. *Stanley v. Illinois*, 405 U.S. at 657; *In re J. W. T.*, 872 S. W. 2d 189 (Tex. 1994). It is well established that there is a presumption that the best interest of a minor is usually served by keeping custody of the child with the natural parents. *Troxel v. Granville,* 530 U.S. 57, 68–69, 120 S. Ct. 2054, 2061, 147 L. Ed. 2d 49 (2000); *In re C.J.C.,* 603 S.W.3d 804, 807 (Tex. 2020); *Wiley v. Spratlan,* 543 S.W.2d 349, 352 (Tex. 1976); *State v. Deaton,* 93 Tex. 243, 248, 54 S.W. 901, 903 (1900). Undergirding that presumption is the belief that the "natural bonds of affection lead parents to act in the best interests of their children." *Parham v. J. R.,* 442 U.S. 584, 602, 99 S. Ct. 2493, 2504, 61 L. Ed. 2d 101 (1979).

Courts have, while recognizing a parent's fundament rights, held that they are not "plenary and unchecked." *In Interest of H.S.*, 550 S.W.3d 151 (Tex. 2018). Both Justice Lehrmann and Justice Hawkins inquired, "Where is the line?" This is substantially the same question Justice Lehrmann raised in *C.J.C.* when she noted that the question of what can overcome the presumption remained unanswered. *In re C.J.C.*, 603 S.W.3d 804, 823–24 Tex.2018 (Justice Lehrmann concurring).

Amicus submits that, as with any other constitutional right, the line is found where the parent who possesses these fundamental rights in order to fulfill his or her responsibility to protect the child, including the child's fundamental rights, clearly violates the child's fundamental rights. This is not a pie in the sky (which is always delicious and calorie free) inquiry into what those other than the parent believe is best or what we as a society would wish for all children. It is certainly not an arbitrary, idyllic standard set by the government. It is a true conflict between two indisputable rights, where one right must yield to the other.

Many rights, for example, the right to life are also protected by the Texas Constitution as an inviolate right. Tex. Const. art. I, § 19; §29. A citizen of Texas may be disenfranchised of this right only by the due course of the law of the land.[2] Once the conflict between two fundamental rights that cannot co-exist is identified, the process or method of determining which right must yield must be correctly delineated and faithfully executed. The questions raised during oral arguments seem to illustrate the need to address process concerns.

Justice Sullivan asked what the standard of review should be in evaluating these cases. Given the nature of the liberty issues at stake any intrusion into the family must be reviewed under the strict scrutiny standard. The Fourteenth Amendment, which guarantees due process, protects both procedural and substantive due process. U.S. Const. amend. XIV, § 1; *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997). Specifically, strict scrutiny has historically been the standard applied in termination cases, and the codification of these rights in the constitution is not a reason to provide less protection. *Texas Dept. of Human Services v. Boyd*, 727 S.W.3d 531 (Tex. 1987). Further, this standard must attach to every law that governs the moment a caseworker knocks on the door for the first time and control each facet of the case until final resolution.

Termination cases specifically have a statutory two-prong construct which mimics the bifurcated criminal case. First, the trier of fact must find by clear and convincing evidence that the parent committed an act or omission listed in the statute. Tex. Fam. Code §161.001(b) (1). Some of these grounds are comprised of very specific elements. Others, such as (d) and (e), include broad, expansive ranges

of undefined behavior subject to interpretation. Chief Justice Blacklock asked how the clear and convincing evidence question should be posed to a jury and Justice Busby suggested clarifying jury instructions. As a practical matter, in most cases, both suggestions would improve the process. Only ten jurors are required to find clear and convincing evidence of both the specific behavior ground and the best interest of the child. When the verdict is not unanimous, one of even two jurors found the parent's behavior to be an acceptable option. The government may not "infringe on the fundamental right of parents to make child rearing decisions simply because a state judge believes a 'better decision' could be made." In re Derzapf, 219 S.W.3d 327,333 (Tex. 2007) (per curiam) (quoting Troxel, 530 U.S. at 72-73, 120 S.Ct. 2054). Accordingly, neither can a jury. By rephrasing the question to, "could a reasonable parent have made this choice" or "could a reasonable parent failed to realize the danger in a particular situation" it would avoid the substitution of a better decision being substituted for an acceptable decision of the parent. It would facilitate the holding that close calls should be determined in favor of the parent. *Holick v. Smith,* 685 S.W.2d 18, 20 (Tex.1985).

If the jury finds by clear and convincing evidence that the parent has violated at least one ground, then the same ten jurors must determine whether it is in the best interest of the child for the parent-child relationship to be terminated. As of September 1, 2025, SB 2052 expanded the best interest test to include a finding added the significant impairment test and the clear and convincing evidence burden of proof as requirements in every case between a parent and a nonparent. Tex. Fam. Code Ann. § 153.002. Even when dealing with a parent who was unfit and failed to adequately care for his or her child at some point in time, the child still deserves to have a relationship with that parent, whenever possible. Therefore, the significant impairment test, which evaluates improvements and changes made by the parent, the likelihood of the parent failing or succeeding in the future, and the likelihood that returning the child to the parent will significantly impair the child's physical health and emotional development is imperative to ensure the best interest test is narrowly tailored. The state's interest in protecting the child is no more compelling in a termination case than it is in any other case between a nonparent and a parent. The ramifications of a termination case,

however, are far more devastating and are not subject to modification.

In re K.M.L., 443 S.W.3d 101, 112 (Tex. 2014) .

1.The late David Guinn, Professor of Constitutional Law, Baylor School of Law.

2. Parental rights are inalienable rights endowed by the Creator. Even if noncitizen parents are not specifically protected by the amendment language their inherent rights would remain intact.

3. Laws which are intended to direct or restrict the rights of someone other than a parent may also incidentally burden or have the ability to burden the rights of a parent, but such laws are beyond the scope of this brief and this case.

Respectfully submitted,

/s/ *Cecilia M. Wood*
CECILIA M. WOOD
ATTORNEY AND COUNSELOR AT LAW, PLLC
AMICUS CURIAE

CERTIFICATE OF COMPLIANCE

I certify that this document was produced on a computer using Microsoft Word 2013 and contains 1444 words, as determined by the computer software's word count function, excluding the sections of the document listed in Tex. R. App. P. 9.4 (i) (1).

/s/ *Cecilia M. Wood*
CECILIA M. WOOD
ATTORNEY AND COUNSELOR AT LAW, PLLC
AMICUS CURIAE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was delivered on the date of filing, via electronic service to the parties and/or attorneys as listed below, in accordance with the Texas Rules of Civil Procedure.

/s/ *Cecilia M. Wood*
CECILIA M. WOOD
ATTORNEY AND COUNSELOR AT LAW, PLLC.
AMICUS CURIAE

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below:

Envelope ID: 109675227
Filing Code Description: Amicus Brief
Filing Description: Letter Amicus Brief 240881
Status as of 1/5/2026 5:02 PM CST

Associated Case Party: Texas Public Policy Foundation

Name	BarNumber	Email	TimestampSubmitted	Status
Yvonne Simental		ysimental@texaspolicy.com	1/5/2026 4:58:26 PM	SENT
Robert Henneke		rhenneke@texaspolicy.com	1/5/2026 4:58:26 PM	SENT
Chance DWeldon		cweldon@texaspolicy.com	1/5/2026 4:58:26 PM	SENT
Andrew Brown		abrown@texaspolicy.com	1/5/2026 4:58:26 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Villarreal		nancy.villarreal@oag.texas.gov	1/5/2026 4:58:26 PM	SENT
Cory Scanlon		cory.scanlon@oag.texas.gov	1/5/2026 4:58:26 PM	SENT
Victor Hernandez		victor.hernandez@oag.texas.gov	1/5/2026 4:58:26 PM	SENT