

**Statistical Report for the 300<sup>th</sup> Judicial District  
Court  
Brazoria County, Texas**



**Fiscal Year**

**2016**

## Executive Summary

The need for an accurate representation of the prevalence of the different types of visitation orders has prompted this particular analysis. In order for our legislature to make decisions concerning custody/visitation issues they need accurate and verifiable information which reflects the current range (or lack thereof) of visitation orders. Also, the prevalence of awards to mothers and fathers was noted as well as the use of attorneys by either party. The results from this study were obtained by looking through 399 court orders that were issued in the months of February and August 2016 in the 300<sup>th</sup> district court, Brazoria County, Texas. The 399 orders comprise all family court orders issued in the 300<sup>th</sup> district court in February and August of 2016 in which children are the subject of the orders (Divorces not including children were not looked at).

Among the key findings were:

- 1) 93% of the parents given primary custody were women.
- 2) When a visitation schedule was ordered, only 9% of those orders gave more than minimum contact with the non-primary parent. And only 5% of all order visitation schedules were 50/50.
- 3) Out of all the cases that awarded more than minimum visitation time only one was ordered by a judge, the rest were agreed.
- 4) Out of all the cases that awarded a male to be the primary parent only one was ordered by a judge, the rest were agreed.
- 5) Although 23% of male petitioners had attorneys, only 5% of males were awarded primary. Compared to 21% female petitioners with attorneys and 81% of females being awarded primary.
- 6) 82% of petitioners were female.
- 7) 0% of the orders signed through the office of the Attorney General (OAG) allowed more than minimum contact between the child and the non-primary parent.
- 8) 0% of the orders signed through the OAG's office ordered a male to be primary parent.

Out of the 399 orders, approximately 250 orders had relevant data. Among the excluded orders were ongoing cases, cases that were "non-suited" or dismissed, change of venues and consolidations.

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## More than the Minimum – “Greater than SPO”

The “greater than SPO” designation identifies visitation orders that allow the child to spend more time with the non-primary parent than a standard possession (SPO) order would. A bit of attention will be paid to this small category to understand the characteristics of these cases. Out of 224 visitation orders only 19 allowed more than minimum contact between the non-primary parent and the child.

11 cases were a 50/50 visitation split.

5 cases were extended standard possession orders (the weekends begin on Thursdays and end on Monday)

2 cases were 4 days with mom and then 3 days with dad

1 case allowed just slightly more than minimum contact between non-primary parent and child.

9 cases were done in a court hearing.

4 cases were uncontested (agreed on ahead of time by both parents)

2 cases were at an OAG hearing

18 cases were “Agreed Judgments”

1 case was a “Final Judgment After Non-Jury Trial” (the judge decided)

Out of all the court ordered visitation schedules for the months of February and August of 2016, the judge only ordered one that allowed the non-primary parent to spend more than minimum time with their child. The other cases were agreed or settled.

Lastly, looking at the cases that were not Uncontested (6 in total), in 9 out of the remaining 15 cases the male had an attorney. So, 60% of the time when the non-primary parent is awarded more than the minimum time with their kids they had attorney representation. If we look at the orders that award minimum time with the non-primary parent only 11% of the males had attorneys. So we can see that a non-primary parent getting more time with their children is highly correlated with hiring an attorney (it’s not simply given).

## **The Exception to the Rule- Male Primary Parent**

The few cases where the males are awarded primary deserve special attention as well. Out of 248 cases only 13 cases awarded the male as the primary parent.

9 cases were done in a hearing.

3 cases were uncontested (agreed on ahead of time by both parents)

1 case was at an OAG hearing

11 cases were "Agreed Judgments"

2 cases were "Final Judgment After Non-Jury Trial"

Out of all the court ordered visitation schedules for the months of February and August of 2016, the judge only ordered a male primary parent two times. The other cases were agreed or settled.

Lastly, looking at the cases that were not Uncontested, in 7 out of the remaining 9 cases the male had an attorney. So a male receiving primary is highly correlated with the male having an attorney.

## Results

The results are looked at as a total of all cases and as results that are particular to a specific venue. The reason being is because there are a variety of responsible parties who can establish a given court order. At a hearing, the judge could order the specific court order, parties can agree to the orders on their own terms without attorneys involved, or the orders can be established by the Office of the Attorney General. So looking at the results for different venues can help identify variations in the composition of the overall result. Ultimately we see that the Office of the Attorney General has the least variety of visitation schedules (they almost exclusively order standard possession orders), judges have a little more variety in their orders and uncontested cases have the most variety.

## Total results

Sex of Petitioner		
Female	204	82%
Male	37	15%
not specified <sup>1</sup>	7	3%
total	248	100%
Attorney Representation		
female pet w/ attorney <sup>2</sup>	42	21%
female respondent w/ attorney <sup>3</sup>	10	27%
male pet. With attorney. <sup>4</sup>	23	62%
male respondent with attorney. <sup>5</sup>	16	8%
Sex of Primary Parent		
Female	201	81%
Male	13	5%
None	16	6%
not specified <sup>6</sup>	18	7%
total	248	100%
Visitation Schedule Ordered		
SPO	160	70%
greater than spo	19	8%
less than spo	39	17%
as agreed	5	2%
not ordered	5	2%
as child agrees	1	0%
total	229	100%
Child Support Payments		
yes	182	73%
no	48	19%
not specified	18	7%
total	248	100%
Venue		
OAG Conference	52	21%
OAG Hearing	81	33%
Hearing	84	34%
Hearing- uncontested	31	13%
total	248	100%

<sup>1</sup> These would be Orders of non-parentage.

<sup>2</sup> Percentage of female petitioners with attorneys

<sup>3</sup> Percentage of female respondents with attorneys

<sup>4</sup> Percentage of male petitioners with attorneys

<sup>5</sup> Percentage of male respondents with attorneys

<sup>6</sup> These would be motions to consolidate, change of venue...

## Hearing

Sex of Petitioner		
Female	52	62%
Male	25	30%
not specified	7	8%
total	84	100%
Attorney Representation		
female pet w/ attorney	42	81%
female respondent w/ attorney	10	40%
male pet. With attorney.	23	92%
male respondent with attorney.	16	31%
Sex of Primary Parent		
Female	55	65%
Male	9	11%
None	7	8%
not specified	13	15%
total	84	100%
Visitation Schedule Ordered		
SPO	45	64%
greater than spo	13	19%
less than spo	8	11%
as agreed	3	4%
not ordered	0	0%
as child agrees	1	1%
total	70	100%
Child Support Payments		
yes	53	63%
no	17	20%
not specified	14	17%
total	84	100%
Venue		
OAG Conference	0	0%
OAG Hearing	0	0%
Hearing	84	100%
Hearing- Uncontested	0	0%
total	84	100%



## Hearing Uncontested

Sex of Petitioner		
Female	23	74%
Male	8	26%
not specified	0	0%
total	31	100%
Attorney Representation		
female pet w/ attorney	0	0%
female respondent w/ attorney	0	0%
male pet. With attorney.	0	0%
male respondent with attorney.	0	0%
Sex of Primary Parent		
Female	21	68%
Male	3	10%
None	6	19%
not specified	1	3%
total	31	100%
Visitation Schedule Ordered		
SPO	22	73%
greater than spo	4	13%
less than spo	2	7%
as agreed	1	3%
not ordered	1	3%
as child agrees	0	0%
total	30	100%
Child Support Payments		
yes	21	68%
no	7	23%
not specified	3	10%
total	31	100%
Venue		
OAG Conference	0	0%
OAG Hearing	0	0%
Hearing	0	0%
Hearing- Uncontested	31	100%
total	31	100%

Remarks: These cases are done without attorneys. The parties fill out “do-it-yourself” motions and usually agree to the terms ahead of time, while the judge merely signs off on the final motion.

## OAG Hearing

Sex of Petitioner		
Female	77	95%
Male	4	5%
not specified	0	0%
total	81	100%
Attorney Representation		
female pet w/ attorney	0	0%
female respondent w/ attorney	0	0%
male pet. With attorney.	0	0%
male respondent with attorney.	0	0%
Sex of Primary Parent		
Female	73	90%
Male	1	1%
None	3	4%
not specified	4	5%
total	81	100%
Visitation Schedule Ordered		
SPO	47	61%
greater than spo	2	3%
less than spo	23	30%
as agreed	1	1%
not ordered	4	5%
as child agrees	0	0%
total	77	100%
Child Support Payments		
yes	62	77%
no	18	22%
not specified	1	1%
total	81	100%
Venue		
OAG Conference	0	0%
OAG Hearing	81	100%
Hearing	0	0%
Hearing- Uncontested	0	0%
total	81	100%

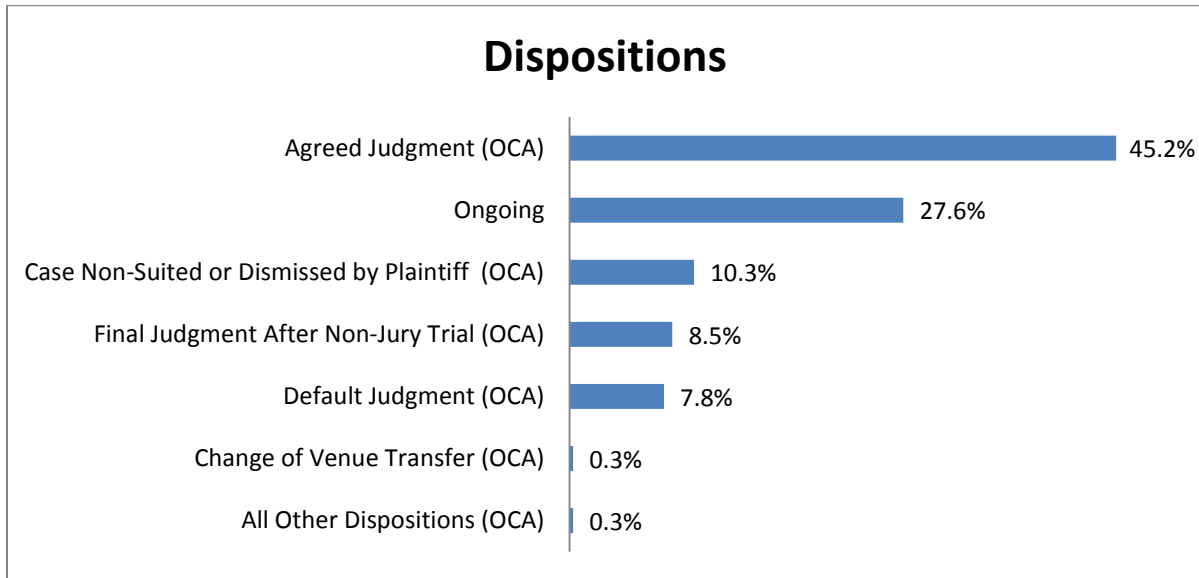
Remarks: An OAG hearing is when one party initiates proceedings with the OAG and a settlement can't be reached in a conference or mediation so the case goes to court. Notice that neither party has an attorney, females win primary much more than males, and the prevalence of visitation orders that grant the non-primary parent more than the minimum are not common.

## OAG Conference

Sex of Petitioner		
Female	52	100%
Male	0	0%
not specified	0	0%
total	52	100%
Attorney Representation		
female pet w/ attorney	0	0%
female respondent w/ attorney	0	0%
male pet. With attorney.	0	0%
male respondent with attorney.	0	0%
Sex of Primary Parent		
Female	52	100%
Male	0	0%
None	0	0%
not specified	0	0%
total	52	100%
Visitation Schedule Ordered		
SPO	46	88%
greater than spo	0	0%
less than spo	6	12%
as agreed	0	0%
not ordered	0	0%
as child agrees	0	0%
total	52	100%
Child Support Payments		
yes	46	88%
no	6	12%
not specified	0	0%
total	52	100%
Venue		
OAG Conference	52	100%
OAG Hearing	0	0%
Hearing	0	0%
Hearing- Uncontested	0	0%
total	52	100%

Remarks: Here one party has filed with the OAG and both parties' settle in a conference at an office ran by the Attorney General. Notice that in all of these cases the females receive primary and none of the visitation orders issued grant more than the minimum amount of visitation time between non-primary parent and child.

## Disposition



**Agreed Judgment:** The parties agreed either through their attorneys, mediators, uncontested or by coming together at the Office of the Attorney General.

**Ongoing:** These cases have no final disposition yet. There will be no data considered from these cases, for the purposes of this report.

**Case Non-Suited or Dismissed by Plaintiff:** The party that originally filed the case did not follow up on it for whatever reason and the case was dismissed. There will be no data considered from these cases, for the purposes of this report.

**Default Judgment:** If a respondent is properly served and does not file an answer or appear, the case is decided in favor of the Plaintiff/petitioner.

**Change of Venue Transfer:** There will be no data considered from these cases, for the purposes of this report.

**All Other Dispositions:**

## Category Descriptions & Responses

Column identifier	Description	Responses
<b>Case Number File Date</b>	The specific case identifier and date that the case was filed	<b>Case Number and File Date</b>
<b>Case Type</b>	When a case is filed it's case type is recorded and later reported to the Office of Courts Administration <sup>1</sup> .	AG – Paternity Marriage - Divorce Children PCR - Custody/Visitation Adoption PCR - Termination & Adoption PCR - Paternity/Parentage
<b>Statistical Closure S. Closure Date</b>	The statistical closure indicates the means by which the case was decided (agreed by both parties, decided by a Judge, by a Jury..)	Agreed Judgment (OCA) All Other Dispositions (OCA) Case Non-Suited or Dismissed by Plaintiff (OCA) Change of Venue Transfer (OCA) Default Judgment (OCA) Final Judgment After Non-Jury Trial (OCA)
Petitioner	Indicates whether the petitioner was male or female.	Male/Female
Pet. Att.	Indicates whether the petitioner was represented by an attorney or not.	Yes/No
Resp. Att.	Indicates whether the respondent was represented by an attorney or not.	Yes/No
number of children	Indicates how many children were subject to the court order.	1/2/3...
Primary	Primary is used to identify the party that has the right to designate the primary residence of the child. The person with this right is usually the party receiving child support and is commonly referred to as the party who has “custody”	Male/Female
Visitation Schedule	If a standard possession order was not entered, this column will describe the visitation order that was entered.	ESPO (extended standard possession order) 50/50 >SPO Other descriptions..
C. S.	Indicates whether or not child support was awarded.	Yes/no
Venue	Indicates whether an order was ordered by a judge, agreed to by both parties (with or without the Office of the Attorney General's involvement)	Hearing, OAG Hearing, OAG Contested, OAG Conference, Uncontested