

FAMILY COURT ACCOUNTABILITY ACT (FCAA)

A Bill

To establish uniform national standards for family court proceedings involving children; to mandate trauma-informed evaluations, transparency, and accountability for guardians ad litem, social workers, CPS personnel, and courts; to ensure safe custody arrangements and protection for survivors of abuse; to provide auditable child support and parenting time systems; and for other purposes.

**Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,**

TITLE I: FINDINGS AND PURPOSE

SEC. 101. FINDINGS.

Congress finds the following:

1. Family courts must prioritize child safety and survivor protection while ensuring fair and evidence-based proceedings.
2. Guardians ad litem (GALs), social workers, and CPS personnel often operate without sufficient oversight, creating conflicts of interest and potential bias.
3. Children require trauma-informed custody evaluations to prevent placement with abusive individuals.
4. Abuse allegations must be investigated rigorously, with verified documentation, to protect children and prevent retaliation against survivors.
5. Parents and children involved in custody disputes benefit from mandatory trauma-informed counseling to reduce retraumatization.
6. Transparent and auditable procedures, including body cameras and court recording, increase accountability and prevent manipulation.
7. Child support and parenting time must be verifiable to ensure resources are used directly for the child's well-being.

SEC. 102. PURPOSE.

The purposes of this Act are to:

1. Establish uniform, trauma-informed standards for family court custody proceedings.
2. Require body cameras and auditable documentation for all child interviews conducted by GALs, social workers, or CPS personnel.
3. Ensure default custody for non-abusive parents while investigations of abuse are conducted.
4. Mandate courtroom transparency, including video recordings accessible to parents and their legal representatives.
5. Require trauma-informed counseling for parents and children involved in custody disputes.
6. Implement verifiable child support and parenting time systems to prevent misuse or control tactics.
7. Hold GALs, CPS personnel, and court-appointed evaluators accountable for knowingly false reports or conflicts of interest.

TITLE II: DEFINITIONS

SEC. 201. DEFINITIONS.

For purposes of this Act:

1. **Family Court** means any state or federal court adjudicating custody, visitation, or divorce cases involving children.
2. **Child** means any minor under the age of 18 involved in a custody or family court proceeding.
3. **Survivor** means any adult or child experiencing or fleeing abuse, domestic violence, trafficking, coercion, or trauma.
4. **Abuser** means any individual accused or convicted of sexual assault, domestic violence, child abuse, or human trafficking.
5. **Guardian ad litem (GAL)** means an individual appointed to represent the best interests of a child in legal proceedings.
6. **CPS Investigator** means a child protective services caseworker responsible for assessing child safety.
7. **Trauma-informed** means evaluations or services delivered with understanding of trauma's physical, psychological, developmental, and behavioral impacts.
8. **Knowingly False Allegation** means an allegation proven intentionally fabricated following a full trauma-informed investigation.
9. **Parenting Time** means the period during which a parent exercises direct care and custody of a child.
10. **Child Benefit Card** means a federally auditable card used to disburse child support funds directly for the child's needs.

TITLE III: MANDATORY EVIDENTIARY HEARINGS

SEC. 301. INITIAL HEARING.

1. Within **14 days of filing for divorce or custody involving children**, a mandatory trauma-informed evidentiary hearing shall be held.
2. Evidence shall include:
 - Prior convictions, misdemeanors, or felonies;
 - Police reports;
 - CPS substantiations;
 - Protection orders;
 - Documented child safety incidents or unexplained child deaths;
 - Human trafficking history, if applicable.
3. Children's interviews must include GALs, social workers, or CPS investigators, all **wearing body cameras**, with footage accessible to parents under FOIA.

SEC. 302. DEFAULT CUSTODY.

1. Non-abusive parents shall receive **sole legal and physical custody** pending investigation.
2. When allegations/reports and/or findings of abuse exist prior to filing, the accused parent bears the **burden of proof** to dispute allegations when no appeal to prior allegations exist.

TITLE IV: TRAUMA-INFORMED COUNSELING

SEC. 401. PARENT AND CHILD COUNSELING.

1. Mandatory trauma-informed counseling is required for all parents and children in custody proceedings where abuse is alleged or founded.
2. Custody decisions shall not be finalized while unresolved abuse allegations exist.

TITLE V: GUARDIAN AD LITEM AND CPS ACCOUNTABILITY

SEC. 501. MANDATORY RECORDING.

1. All child interviews conducted by GALs or CPS personnel must be **recorded via body cameras**.
2. All recordings and reports must be **auditable by the court and parents** and no cost.

SEC. 502. CONFLICT OF INTEREST RESTRICTIONS.

1. GALs and evaluators must disclose all potential conflicts of interest.
2. Knowingly false reporting by GALs or CPS personnel is subject to legal sanction.

TITLE VI: COURTROOM TRANSPARENCY

SEC. 601. MANDATORY COURT RECORDING.

1. Family court proceedings involving children must be **recorded with cameras**.
2. Recordings and transcripts must be **accessible at no cost to parents and their legal representatives**.

SEC. 602. MANDATORY VIRTUAL HEARINGS FOR ALLEGED ABUSE.

1. When abuse is alleged in any custody or family court proceeding, hearings shall **automatically be conducted via secure video conferencing (e.g., Zoom)** to:
 - Protect the safety of all parties;
 - Minimize retraumatization of survivors and children;
 - Ensure witnesses can participate without physical risk.
2. Virtual hearings shall be fully recorded and included in the court record.

SEC. 603. STATEWIDE E-FILE SYSTEM FOR PRO SE LITIGANTS.

1. Each state shall maintain a **centralized e-file system** accessible to all residents.
2. The system shall include:

- Pre-written, fillable motions and forms that comply with court procedural requirements;
- State laws, regulations, and custody procedures relevant to family court;
- Guidance and instructions for properly filing and submitting documents.

3. All pro se litigants must have access to a **mandatory 12-hour review session with a licensed attorney** prior to filing, ensuring:

- Documents are limited to factual assertions, not subjective feelings;
- Legal terminology and procedures are correctly followed;
- Compliance with all e-file system requirements.

4. Judges may not deny a hearing solely because a party is representing themselves if the pro se litigant has followed the e-file procedures.

TITLE VII: PARENTING TIME AND CUSTODY ACCOUNTABILITY

SEC. 701. DIRECT CARE VERIFICATION.

1. Courts shall verify that parenting time represents **direct, hands-on care** of children.
2. Outsourcing childcare to third parties does not constitute parenting time.

SEC. 702. RESTRICTIONS FOR ABUSERS.

1. Individuals accused or convicted of sexual assault, domestic violence, or child abuse shall have **restricted or supervised visitation**.
2. Non-abusive parents maintain custody until allegations are fully investigated.

TITLE VIII: CHILD SUPPORT TRANSPARENCY

SEC. 801. CHILD BENEFIT CARD.

1. Child support shall be distributed via **auditable child benefit cards** to ensure funds are used directly for the child.
2. Misuse triggers **automatic judicial review and adjustment**.

TITLE IX: ENFORCEMENT

SEC. 901. FEDERAL OVERSIGHT.

1. The Secretary of Health and Human Services or designated agency shall monitor compliance with FCAA standards.
2. Annual reports shall track custody outcomes, abuse allegations, and compliance.

SEC. 902. CIVIL AND CRIMINAL PENALTIES.

1. Knowingly false allegations by GALs, CPS personnel, or court-appointed evaluators are subject to civil or criminal penalties.
2. Misuse of child support funds or obstruction of parenting time may result in sanctions.

TITLE X: GENERAL PROVISIONS

SEC. 1001. IMPLEMENTATION.

The Secretary shall implement this Act within **24 months**.

SEC. 1002. RULEMAKING.

The Secretary may issue regulations necessary to carry out this Act.

SEC. 1003. SEVERABILITY.

If any provision is held invalid, the remainder shall remain in effect.

SEC. 1004. EFFECTIVE DATE.

This Act shall take effect **180 days after enactment.**

AUTHORITY, AUTHORSHIP, AND LICENSING NOTICE

(This page is not part of the statutory text of the Act.)

Family Court Accountability Act (FCAA)

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