



23 February 2026

Re.: Written Testimony in Support of House Bill 2735

Shannon M. Draughon, WSBA 35424

Founder & Executive Director, The Due Process Project

Member, United States Supreme Court Bar

Drafting Partner, Troxel II & Lead Architect of the Corollary Model Family Code

Submitted to the Washington House Civil Rights & Judiciary Committee in Support of HB 2735

Chair, members of the Committee, thank you for the opportunity to submit written testimony in support of HB 2735.

My name is Shannon Draughon. I am a Washington resident, a member of the United States Supreme Court bar, and the founder of The Due Process Project, a national nonprofit law firm focused on restoring constitutional governance in family courts. I also serve as a drafting partner in Troxel II, the constitutional framework that informs HB 2735, and the lead architect of the corollary Model Family Code.

HB 2735 is properly before this Committee because it addresses a civil-rights problem rooted in constitutional structure. The parent-child relationship is a fundamental liberty interest protected by the Due Process Clause. When the state burdens that relationship, it exercises its coercive power at the most intimate point of citizen life.

In every other domain where fundamental rights are at stake, American jurisprudence supplies structured constraints: standards of review, disciplined triggers for heightened scrutiny, evidentiary requirements, and procedural safeguards that make state power transparent and reviewable. Family law is the exception. It is the only domain where these constitutional baselines have never been operationalized into a single, administrable framework.

As a result, families in Washington face different processes, different evidentiary expectations, and different constitutional protections depending on the county in which they live. No other area of law tolerates that level of variation in the treatment of fundamental rights. This variation is structural, not ideological, and it produces predictable consequences: decisions that substantially affect parental rights without clear, evidence-based findings; inconsistent access to hearings and review; and outcomes that vary not because of case facts, but because of differing local procedures.

The Due Process Project is a 501c(3) Non-profit Law Firm Advocating for Constitutional Family Courts



In many instances, the absence of constitutional baselines has produced outcomes that are difficult to reconcile with the protections the Constitution requires. These are not isolated anomalies; they are foreseeable results of a system operating without uniform standards for how fundamental rights are burdened.

The constitutional structure matters because it is also the safety structure. When courts follow clear procedures and known standards, children and people seeking protection are better protected, and outcomes are more reliable across counties and communities.

HB 2735 re-establishes that structure. It does three essential things:

1. Codifies the constitutional presumption of parental fitness, the baseline recognized in *Troxel II*.
2. Requires evidence-based, reviewable findings when decisions substantially affect parental rights.
3. Establishes a uniform statewide standard, ensuring that a family in Yakima receives the same constitutional protections as a family in King County.

These are not new rights. They are the minimum constitutional baselines that make state power principled, consistent, and reviewable. Constitutional floors do not prevent protection — they make protection reliable. They ensure safety interventions are anchored in evidence, authority is not delegated without accountability, and deprivations of fundamental liberty are justified under the standards our Constitution requires.

Importantly, HB 2735 does not alter or restrict Washington's domestic-violence protections. Emergency orders remain fully available under existing statutes and standards. What the bill does is ensure that when courts exercise that authority, the decisions are evidence-based, reviewable, and consistent statewide. Clear constitutional baselines do not impede protection — they make protection more reliable, more targeted, and more defensible. HB 2735 is not a partisan bill. It is a procedural bill. It brings Washington's family-law system into alignment with the constitutional architecture that governs every other area of law.

I respectfully urge the Committee to advance HB 2735 and to continue the work of building a modern, constitutional framework that protects children, protects people seeking protection, and provides every family with a process they can trust.

Thank you for your consideration.



Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Shannon M. Draughon", is written over a faint, light blue oval background.

/s/ Shannon M. Draughon

Shannon M. Draughon

sdraughon@thedueprocessproject.org

www.thedueprocessproject.org

(425) 945-6862