

- SUBJECT:** Child custody determination made in a foreign country
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 10 ayes — Jackson, Lewis, Bohac, Castro, S. Davis, Madden, Raymond, Scott, Thompson, Woolley
- 0 nays
- 1 absent — Hartnett
- WITNESSES:** For — (*Registered, but did not testify:* Glenda Fuller, Texas Court Reporters Association; Kevin Petroff, Harris County District Attorney's Office; Nicole Thornbro, Bexar County District Attorney Susan Reed)
- Against — None
- On — Michael Martinez, Department of Family and Protective Services
- BACKGROUND:** When a petition is filed seeking enforcement of a child custody determination, the petitioner may apply for a warrant to take physical custody of the child if the child is imminently likely to suffer serious physical harm or be removed from the state. The warrant must provide for the placement of the child pending final relief. The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.
- DIGEST:** CSHB 2976 would require that a warrant to take custody of a child state the date for the hearing on the petition, provide for the safe interim placement of the child pending further order of the court, and impose conditions on placement of the child to ensure the appearance of the child and the child's custodian.
- If the petition sought to enforce a child custody determination made in a foreign country or an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction, an interim placement of the child with a parent or family member could be made only if the parent or family member had significant ties to the jurisdiction of the court. If there were no significant ties, the court would

be required to deliver the child to the Department of Family and Protective Services.

The bill would create an offense for a false statement regarding a child custody determination made in a foreign country. A person would commit a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the person knowingly made or caused to be made a false statement relating to a child custody determination made in a foreign country during a custody hearing.

The bill would add a provision to the Family Code requiring that a record be made by a court reporter of proceedings relating to a child custody determination made in a foreign country or the enforcement of an order for the return of a child under the Hague Convention on the Civil Aspects of International Child Abduction.

The bill would take effect on September 1, 2011.

NOTES:

The substitute differs from the original by allowing for interim placement of a child and limiting the false statement offense to a child custody determination made in a foreign country.

The companion bill, SB 1490 by Uresti, passed the Senate 31-0 on April 12, and was reported favorably, without amendment, by the House Judiciary and Civil Jurisprudence Committee on April 20, making it eligible for consideration in lieu of HB 2976.