

BILL ANALYSIS

H.B. 2770
By: Eiland
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Uniform Child Abduction Prevention Act provides courts with guidelines to follow during custody disputes and court proceedings. This is designed to help courts identify children at risk of abduction and to provide methods to prevent that abduction. Under the Act, the court hears evidence that potentially could increase the risk of abduction based upon statutorily provided risk factors.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Subtitle B, Title 5 of the Family Code by adding Chapter 163, which under Section 163.001, provides the name for the Act. Section 163.002 provides definitions for terms used in the Act. Section 163.003 provides guidelines for cooperation and communication among courts. Section 163.004 provides a list of individuals or entities who may file a petition for child abduction prevention measures. Section 163.005 designates the court in which a petition for child abduction prevention may be filed. Section 163.006 describes the information, if available, that must be included in the petition for child abduction prevention. Section 163.007 lists factors the courts may use to determine the risk of abduction of the child.

Section 163.008 provides guidelines for construction of the court order. Provides factors to be considered in determining measures to be used to prevent child abduction. Lists the measures that may be taken by the court to prevent child abduction. Section 163.009 provides the finding necessary to issue an order of child abduction prevention and the required procedures. Section 163.010 provides the duration of a child abduction order. Section 163.011 provides that in application and construction of the Act, consideration should be given to the uniformity of the subject matter of the law between states. Section 163.012 describes the relationship between the Uniform Child Abduction Prevention Act and the Federal Electronic Signatures in Global and National Commerce Act.

Repeals Subchapter I, Chapter 153 of the Family Code.

EFFECTIVE DATE

September 1, 2007