

BILL ANALYSIS

C.S.H.B. 2707
By: Hochberg
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In a child custody case where one parent and the child live in a foreign jurisdiction, the Family Code specifies whether a Texas court has jurisdiction. In *Koester v. Montgomery*, the Court of Appeals of Texas, First District, ruled that a Texas parent who is denied due process in a foreign court may access a Texas court. However, in a recent case, *Alfonso v. Skadden*, the Supreme Court of Texas appears to have reversed this doctrine.

C.S.H.B. 2707 authorizes a court of the state to exercise jurisdiction as if Texas were the home state in a suit affecting the parent-child relationship if a court in a foreign country has not provided a party to the suit notice and an opportunity to be heard in accordance with standards of the Uniform Child Custody Jurisdiction and Enforcement Act.

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

C.S.H.B. 2707 amends the Family Code to authorize a court of the state to exercise jurisdiction as if Texas were the home state in a suit affecting the parent-child relationship if a court in a foreign country has not provided a party to the suit notice and an opportunity to be heard in accordance with standards of the Uniform Child Custody Jurisdiction and Enforcement Act.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2707 differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions.