

By: West, et al.

S.B. No. 491

A BILL TO BE ENTITLED

AN ACT

relating to consideration of family violence in the risk assessment for international parental abduction of a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 153.502, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) To determine whether there is a risk of the international abduction of a child by a parent of the child, the court shall consider evidence that the parent:

(1) has taken, enticed away, kept, withheld, or concealed a child in violation of another person's right of possession of or access to the child, unless the parent presents evidence that the parent believed in good faith that the parent's conduct was necessary to avoid imminent harm to the child or the parent;

(2) has previously threatened to take, entice away, keep, withhold, or conceal a child in violation of another person's right of possession of or access to the child;

(3) lacks financial reason to stay in the United States, including evidence that the parent is financially independent, is able to work outside of the United States, or is unemployed;

(4) has recently engaged in planning activities that

1 could facilitate the removal of the child from the United States by
2 the parent, including:

- 3 (A) quitting a job;
- 4 (B) selling a primary residence;
- 5 (C) terminating a lease;
- 6 (D) closing bank accounts;
- 7 (E) liquidating other assets;
- 8 (F) hiding or destroying documents;
- 9 (G) applying for a passport or visa or obtaining

10 other travel documents for the parent or the child; or

11 (H) applying to obtain the child's birth
12 certificate or school or medical records;

13 (5) has a history of domestic violence that the court
14 is required to consider under Section 153.004; or

15 (6) has a criminal history or a history of violating
16 court orders.

17 (a-1) In considering evidence of planning activities under
18 Subsection (a)(4), the court also shall consider any evidence that
19 the parent was engaging in those activities as a part of a safety
20 plan to flee from family violence.

21 SECTION 2. The changes in law made by this Act apply to a
22 suit affecting the parent-child relationship or suit for
23 modification pending in a trial court on the effective date of this
24 Act or filed on or after the effective date of this Act.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.