

## **BILL ANALYSIS**

C.S.H.B. 2976  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Hague Convention on the Civil Aspects of International Child Abduction provides for the prompt return of certain wrongfully removed or retained children. Recent news reports relating to international child abduction by a parent indicate that of the thousands of children abducted to or wrongfully retained in other countries only a few hundred were returned to the United States. Procedures are currently in place to authorize a warrant to take physical custody of a child when evidence suggests that the child might be harmed or removed from the jurisdiction of a proceeding. These procedures are intended to prevent international abductions and to protect the well-being of the child.

C.S.H.B. 2976 seeks to further prevent cases of child abduction and to protect the well-being of certain children by addressing issues relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship.

### **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. 2976 amends the Family Code to require a record of all of the proceedings under the Uniform Child Custody Jurisdiction and Enforcement Act relating to a child custody determination made in a foreign country or to the enforcement of an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction to be made by a court reporter or as provided by provisions of law requiring a court reporter to be provided for certain proceedings.

C.S.H.B. 2976 requires a warrant to take physical custody of a child, as provided for under the Uniform Child Custody Jurisdiction and Enforcement Act, to state the date for the hearing on the petition and to 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. The bill removes a requirement that such a warrant provide for the placement of the child pending final relief.

C.S.H.B. 2976 authorizes the court, if a petition seeks 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, to place a child with a parent or family member pending further order of the court only if the parent or family member has significant ties to the jurisdiction of the court. The bill requires the court, if a parent or family member of the child does not have significant ties to the jurisdiction of the court, to provide for the delivery of the child to the Department of Family and Protective Services in the manner provided for the delivery of a missing child under provisions of law relating to possession and

delivery of a missing child for purposes of a suit by a governmental entity to protect the health and safety of a child.

C.S.H.B. 2976 amends the Penal Code to make it a third degree felony offense for a person to knowingly make or cause to be made a false statement relating to a child custody determination made in a foreign country during a hearing under the Uniform Child Custody Jurisdiction and Enforcement Act or provisions of law relating to a hearing on conservatorship, possession, and access relating to the prevention of international parental child abduction. The bill provides for the meaning of "child custody determination" by reference to the Family Code.

C.S.H.B. 2976 repeals section 152.311(f), Family Code, authorizing a court to impose conditions upon placement of a child for purposes of a warrant to take physical custody of a child to ensure the appearance of the child and the child's custodian.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2976 contains a provision not included in the original requiring a warrant to take physical custody of a child to 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.

C.S.H.B. 2976 contains a provision not included in the original authorizing the court to place a child with a parent or family member pending further order of the court under certain conditions only if the parent or family member has significant ties to the jurisdiction of the court. The substitute differs from the original by requiring the court, if a parent or family member of the child does not have significant ties to the jurisdiction of the court, to provide for the delivery of the child to the Department of Family and Protective Services, whereas the original requires that a warrant to take physical custody of a child provide for such delivery of the child.

C.S.H.B. 2976 omits provisions included in the original establishing provisions relating to a warrant to take physical custody of a child in a suit affecting the parent-child relationship in which credible evidence is presented indicating a potential risk of international abduction of the child by a parent of the child.

C.S.H.B. 2976 contains a specification not included in the original, in a provision making it a third degree felony offense for a person to knowingly make or cause to be made a false statement relating to a child custody determination during a hearing under certain provisions of law, that the child custody determination be made in a foreign country and that the false statement be made during a hearing on conservatorship, possession, and access relating to the prevention of international parental child abduction.

C.S.H.B. 2976 contains a provision not included in the original repealing a provision of the Family Code.