

By: Uresti, Harris
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S.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the recording of proceedings and the issuance of a
3 warrant to take physical custody of a child in certain suits
4 affecting the parent-child relationship; creating an offense.

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

6 SECTION 1. Section 152.105, Family Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) A record of all of the proceedings under this chapter
9 relating to a child custody determination made in a foreign country
10 or to the enforcement of an order for the return of the child made
11 under the Hague Convention on the Civil Aspects of International
12 Child Abduction shall be made by a court reporter or as provided by
13 Section 201.009.

14 SECTION 2. Section 152.311, Family Code, is amended by
15 amending Subsection (c) and adding Subsection (c-1) to read as
16 follows:

17 (c) A warrant to take physical custody of a child must:

18 (1) recite the facts upon which a conclusion of
19 imminent serious physical harm or removal from the jurisdiction is
20 based;

21 (2) direct law enforcement officers to take physical
22 custody of the child immediately; ~~and~~

23 (3) state the date for the hearing on the petition; and

24 (4) provide for the safe interim placement of the

1 child pending further order of the court and impose conditions on
2 placement of the child to ensure the appearance of the child and the
3 child's custodian [~~provide for the placement of the child pending~~
4 ~~final relief~~].

5 (c-1) If the petition seeks to enforce a child custody
6 determination made in a foreign country or an order for the return
7 of the child made under the Hague Convention on the Civil Aspects of
8 International Child Abduction, the court may place a child with a
9 parent or family member in accordance with Subsection (c)(4) only
10 if the parent or family member has significant ties to the
11 jurisdiction of the court. If a parent or family member of the
12 child does not have significant ties to the jurisdiction of the
13 court, the court shall provide for the delivery of the child to the
14 Department of Family and Protective Services in the manner provided
15 for the delivery of a missing child by Section 262.007(c).

16 SECTION 3. Chapter 37, Penal Code, is amended by adding
17 Section 37.14 to read as follows:

18 Sec. 37.14. FALSE STATEMENT REGARDING CHILD CUSTODY
19 DETERMINATION MADE IN FOREIGN COUNTRY. (a) For purposes of this
20 section, "child custody determination" has the meaning assigned by
21 Section 152.102, Family Code.

22 (b) A person commits an offense if the person knowingly
23 makes or causes to be made a false statement relating to a child
24 custody determination made in a foreign country during a hearing
25 held under Chapter 152 or Subchapter I, Chapter 153, Family Code.

26 (c) An offense under this section is a felony of the third
27 degree.

1 SECTION 4. Subsection (f), Section 152.311, Family Code, is
2 repealed.

3 SECTION 5. This Act takes effect September 1, 2011.