

By: Uresti

S.B. No. 1490

A BILL TO BE ENTITLED

1 AN ACT
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(c), Family Code, is amended to
15 read as follows:

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

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

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

22 (3) provide for the delivery ~~[placement]~~ of the child
23 to the Department of Family and Protective Services in the manner
24 provided for the delivery of a missing child by Section 262.007(c)

1 pending the hearing on the petition; and

2 (4) state the date for the hearing on the petition
3 [final relief].

4 SECTION 3. Subchapter I, Chapter 153, Family Code, is
5 amended by adding Section 153.504 to read as follows:

6 Sec. 153.504. WARRANT TO TAKE PHYSICAL CUSTODY OF CHILD.

7 (a) If in a suit described by Section 153.501(a) the court, on the
8 testimony of the petitioner or another witness, finds that the
9 child is imminently likely to suffer serious physical harm or be
10 removed from this state, the court may issue a warrant to take
11 physical custody of the child.

12 (b) A warrant to take physical custody of a child must:

13 (1) recite the facts on which a conclusion of imminent
14 likelihood of serious physical harm or removal from the
15 jurisdiction is based;

16 (2) direct law enforcement officers to immediately
17 take physical custody of the child;

18 (3) provide for the delivery of the child to the
19 Department of Family and Protective Services in the manner provided
20 for the delivery of a missing child by Section 262.007(c) pending a
21 hearing by the court; and

22 (4) state the date for the hearing, which must be as
23 early as possible.

24 (c) The respondent shall be served with the warrant
25 immediately after the child is taken into physical custody.

26 (d) A warrant to take physical custody of a child is
27 enforceable throughout this state. If the court finds on the basis

1 of the testimony of the petitioner or another witness that a less
2 intrusive remedy is not effective, the court may authorize law
3 enforcement officers to enter private property to take physical
4 custody of the child. If required by exigent circumstances of the
5 case, the court may authorize law enforcement officers to make a
6 forcible entry at any hour.

7 (e) The court may impose conditions on placement of a child
8 to ensure the appearance of the child and the child's custodian.

9 SECTION 4. Chapter 37, Penal Code, is amended by adding
10 Section 37.14 to read as follows:

11 Sec. 37.14. FALSE STATEMENT REGARDING CHILD CUSTODY
12 DETERMINATION. (a) For purposes of this section, "child custody
13 determination" has the meaning assigned by Section 152.102, Family
14 Code.

15 (b) A person commits an offense if the person knowingly
16 makes or causes to be made a false statement relating to a child
17 custody determination during a hearing held under Chapter 152 or
18 153, Family Code.

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

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