

1-1 By: Uresti, Harris S.B. No. 1490
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1490 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the recording of proceedings and the issuance of a
1-11 warrant to take physical custody of a child in certain suits
1-12 affecting the parent-child relationship; creating an offense.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 152.105, Family Code, is amended by
1-15 adding Subsection (d) to read as follows:

1-16 (d) A record of all of the proceedings under this chapter
1-17 relating to a child custody determination made in a foreign country
1-18 or to the enforcement of an order for the return of the child made
1-19 under the Hague Convention on the Civil Aspects of International
1-20 Child Abduction shall be made by a court reporter or as provided by
1-21 Section 201.009.

1-22 SECTION 2. Section 152.311, Family Code, is amended by
1-23 amending Subsection (c) and adding Subsection (c-1) to read as
1-24 follows:

1-25 (c) A warrant to take physical custody of a child must:

1-26 (1) recite the facts upon which a conclusion of
1-27 imminent serious physical harm or removal from the jurisdiction is
1-28 based;

1-29 (2) direct law enforcement officers to take physical
1-30 custody of the child immediately; ~~and~~

1-31 (3) state the date for the hearing on the petition; and

1-32 (4) provide for the safe interim placement of the
1-33 child pending further order of the court and impose conditions on
1-34 placement of the child to ensure the appearance of the child and the
1-35 child's custodian ~~[provide for the placement of the child pending~~
1-36 ~~final relief]~~.

1-37 (c-1) If the petition seeks to enforce a child custody
1-38 determination made in a foreign country or an order for the return
1-39 of the child made under the Hague Convention on the Civil Aspects of
1-40 International Child Abduction, the court may place a child with a
1-41 parent or family member in accordance with Subsection (c)(4) only
1-42 if the parent or family member has significant ties to the
1-43 jurisdiction of the court. If a parent or family member of the
1-44 child does not have significant ties to the jurisdiction of the
1-45 court, the court shall provide for the delivery of the child to the
1-46 Department of Family and Protective Services in the manner provided
1-47 for the delivery of a missing child by Section 262.007(c).

1-48 SECTION 3. Chapter 37, Penal Code, is amended by adding
1-49 Section 37.14 to read as follows:

1-50 Sec. 37.14. FALSE STATEMENT REGARDING CHILD CUSTODY
1-51 DETERMINATION MADE IN FOREIGN COUNTRY. (a) For purposes of this
1-52 section, "child custody determination" has the meaning assigned by
1-53 Section 152.102, Family Code.

1-54 (b) A person commits an offense if the person knowingly
1-55 makes or causes to be made a false statement relating to a child
1-56 custody determination made in a foreign country during a hearing
1-57 held under Chapter 152 or Subchapter I, Chapter 153, Family Code.

1-58 (c) An offense under this section is a felony of the third
1-59 degree.

1-60 SECTION 4. Subsection (f), Section 152.311, Family Code, is
1-61 repealed.

1-62 SECTION 5. This Act takes effect September 1, 2011.

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