

**SUBJECT:** Expanding the definition of a missing child

**COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment

**VOTE:** 8 ayes — Goodman, Staples, J. Jones, McClendon, Naishtat, A. Reyna, Smith, Williams

0 nays

1 absent— McReynolds

**WITNESSES:** For — Robert Green, Jr., Primary Nurturing Fathers of Texas and Texas Fathers Alliance

Against — None

On — Deanne Tidwell, Texas Department of Public Safety, Missing Persons Clearinghouse

**BACKGROUND :** The National Child Search Assistance Act of 1990 requires that federal, state and local law enforcement agencies report missing children under the age of 18. In Texas, when a parent or guardian reports a child as missing to a local law enforcement agency, the information is sent on to the Missing Persons Clearinghouse in the Texas Department of Public Safety. The report is automatically entered into the FBI's National Crime Information Center and made available to law enforcement agencies all across the country.

**DIGEST:** HB 1092 would expand the definition of a missing child to include children taken or retained in violation of a court order concerning custody and access rights.

HB 1092 would take immediate effect if finally approved by a two-thirds record vote of the membership of each house.

**SUPPORTERS SAY:** HB 1092 would give weight to and help enforce child custody orders. It has been estimated that in Texas about 1,000 children per year are abducted by a parent or relative attempting to avoid complying with child custody orders. When a child is a victim of parental abduction, some local law enforcement

agencies have been reluctant to pursue the case under the missing child statute particularly if there has been no arrest warrant issued for the abductor. There is a misconception that unless a crime has been committed, the dispute is a civil matter and should be dealt with through the courts. Expanding the definition of missing children to include children in these situations would allow information on them to reach the Missing Persons Clearinghouse and increase the likelihood of locating these children.

OPPONENTS  
SAY:

No apparent opposition.