

**SUBJECT:** Negotiating international enforcement of child support and custody orders

**COMMITTEE:** Judicial Affairs — favorable, without amendment

**VOTE:** 7 ayes — Thompson, Hartnett, Clark, Luna, Shields, Solis, Zbranek

0 nays

2 absent— Crabb, Garcia

**WITNESSES:** None

**BACKGROUND :** The Judicial Affairs Committee was charged during the interim with studying parental kidnapping laws. One of its recommendations, suggested by the Attorney General's Office, was to enter into a separate state-federal agreement between Texas and Mexico regarding the enforcement of child support and custody orders, service of process, and the detention of child abductors and abductees.

Title IV, Part D, of the federal Social Security Act involves collection of child support. The Attorney General's Office is the state Title IV-D agency in Texas.

**DIGEST:** HB 1880 would amend the Family Code to authorize the Attorney General's Office, as the Title IV-D agency for Texas, to negotiate and enter into agreements with other nations or their political subdivisions to provide for the international establishment and enforcement of child support and child custody orders.

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

**SUPPORTERS SAY:** HB 1880 would help parents and children of Texas by addressing the growing problem of international parental kidnapping. The bill would expedite location and detention of kidnapped children in those foreign nations and their subdivisions with which the attorney general negotiates an agreement. International kidnapping has dire consequences for its victims, and the state needs to take a more active role to protect them.

The Hague Convention on the Civil Aspects of International Child Abduction is currently the main tool in international kidnapping cases. The Hague Convention provides for the prompt return of wrongfully removed or retained children to the country of their “habitual residence.” Although the Hague Convention works well, its process can be time-consuming. For example, the parent of a child who has been kidnapped and taken to Mexico may contact the U.S. State Department, which contacts the Department of Foreign Affairs in Mexico, which contacts the Mexican Attorney General's Office, which contacts authorities in the appropriate Mexican state. If the Texas attorney general had an agreement with the Mexican state, the state's officials could be contacted directly and could immediately begin a search for the child while the Hague Convention procedures were still in process.

The bill would also facilitate international enforcement of child support orders. This would make it harder for parents to run from their financial responsibility to their children and help children receive the food, clothing and housing they need.

**OPPONENTS  
SAY:**

HB 1880 should state that Texas may only negotiate or enter into agreements with other nations in a manner consistent with federal law and any international treaty or convention to which the United States is a party. Otherwise, the state could be accused of exceeding its authority by conducting foreign affairs, which is an exclusively federal responsibility.

**OTHER  
OPPONENTS  
SAY:**

HB 1880 would only amend the section of the Family Code dealing with child support. The bill also involves international enforcement of child custody orders and therefore should be a separate, free-standing section of the Family Code.

**NOTES:**

A similar bill, HB 409 by Thompson et al., referred to the Judicial Affairs Committee, would create a free-standing act authorizing the attorney general to negotiate with the United Mexican States regarding the enforcement of child support and child custody orders. HB 1880 is part of a legislative package, also including HB 410 and HB 1516, targeting parental abduction.