

- SUBJECT:** Risk assessment for international parental abduction of a child.
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 6 ayes — Dutton, Eiland, Bolton, Farrar, Gonzalez Toureilles, Strama
0 nays
3 absent — Farias, Hernandez, Vaught
- SENATE VOTE:** On final passage, April 18— 31-0
- WITNESSES:** No public hearing.
- BACKGROUND:** Family Code, sec. 153.502 requires a court, when determining whether there is a risk of international abduction of a child by a parent of the child, to consider evidence that the parent:
- has taken, enticed away, kept, withheld, or concealed a child in violation of another person's right of possession of or access to the child, unless the parent presents evidence that the parent believed in good faith that the parent's conduct was necessary to avoid imminent harm to the child;
 - has previously threatened to take, entice away, keep, withhold, or conceal a child in violation of another person's right of possession of or access to the child;
 - lacks financial reason to stay in the United States, including evidence that the parent is financially independent, is able to work outside the United States, or is unemployed;
 - has recently engaged in planning activities that could facilitate the removal of the child from the United States by the parent.
- DIGEST:** SB 956 would add requirements for the court to consider in assessing whether there was a risk of the international abduction of a child by a parent. In considering whether the parent had taken a child in violation of possession, the court would have to consider whether the parent had done so because the parent believed in good faith that the conduct was necessary to avoid imminent harm to the parent as well as to the child.

When the court considered whether the parent had recently engaged in planning activities that could facilitate the removal of the child from the United States, the court would have to except planning activities related to carrying out a safety plan to flee from family violence as evidence of planning for international abduction.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007, and would apply to a suit affecting the parent-child relationship or suit for modification pending in a trial court on the effective date, or filed on or after the effective date.