

SUBJECT: Authorizing a civil penalty for interfering with a child custody order

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

VOTE: 7 ayes — Neave, Swanson, Cook, Ramos, Talarico, Vasut, Wu
0 nays
2 absent — Frank, Leach

WITNESSES: For — Derek Berry, Ericka Carrillo, Kimi-Lyn Reed, George Saldana, and Lindsey Urwin, Team 25.03; William Morris, Texas Family Law Foundation; SarahJae Johnston, The Fathers' Rights Movement; Taran Champagne; Stuart McMullen; Cassandra Spencer; (*Registered, but did not testify*: Thomas Parkinson)
Against — Faith Bussey, Just Liberty
On — (*Registered, but did not testify*: Jeffrey Morgan)

BACKGROUND: Penal Code sec. 25.03 makes it an offense for person to commit certain actions that interfere with a child custody order, including taking or retaining a child younger than 18 years of age when the person knew that the taking or retention violated the terms of a judgment or order or when the person had not been awarded custody of the child.

DIGEST: HB 4240 would authorize a municipality or county in this state to adopt an ordinance or order that imposed a civil penalty of not more than \$500 for engaging in conduct that constituted an offense under Penal Code sec. 25.03.
The bill would take effect September 1, 2021.

SUPPORTERS SAY: HB 4240 would help to encourage compliance with child custody arrangements and ensure that parents had continuing access to their children by imposing a civil penalty of not more than \$500 for interfering

with a child custody arrangement. Local law enforcement sometimes has difficulty enforcing child custody arrangements when parents are in conflict. The threat of a fine could help to deter behavior on the part of a parent that interfered with a child custody arrangement.

**CRITICS
SAY:**

HB 4240 could impose a financial burden on families, especially poor ones, by allowing municipalities and counties to authorize penalties for certain actions that interfered with child custody orders. This could take money from the offender's pocket and impact the individual's ability to pay child support, having negative financial consequences for the family. Moreover, unpaid fines could cause an arrest warrant to be issued and lead to the offender spending time in jail.