

Legal Talking Points on Texas ALAC Legislation

- Texas has already experienced multiple attempts to apply shariah law in its courts.
- ALAC prevents the application of foreign law that would not grant the litigants the same fundamental constitutional rights as the U.S. constitution.
 - ALAC affects the following procedural vehicles: 1) comity; 2) conflicts of laws; 3) choice of law or forum/venue, including arbitration; and 4) forum non conveniens.
 - Texas ALAC applies only to family law, and clearly not to business transactions
 - Texas ALAC would particularly protect women and children from foreign laws that discriminate against women.
 - Nine states have already passed similar ALAC legislation: Tennessee, Louisiana, Arizona, Kansas, Oklahoma, Alabama, North Carolina, Washington and Florida.
 - There are already examples of Common legislation requiring some basic due process or constitutional protections regarding foreign judgments or venues, includes Rachel's Law, the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA), the Uniform Interstate Family Support Act (UIFSA), the Uniform Foreign Money-Judgments Recognition Act, Uniform Model Choice Of Forum Act and the SPEECH Act. Texas ALAC is consistent in spirit with these acts. Of these laws, Texas has passed the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) and the Uniform Interstate Family Support Act (UIFSA).
 - Texas currently lacks any statutory law which would protect its citizens from the intrusion of discordant foreign law, with the exception of vague protections of human rights in custody cases.
 - Texas ALAC would provide the citizens of Texas with explicit and specific protection of the fundamental liberties, rights, and privileges recognized by the U.S. Constitution in family law cases.
- Texas has already circumscribed the application of comity to foreign judgments regarding child custody and support, and Texas ALAC simply better defines those limits by requiring that the parties be accorded the same fundamental rights guaranteed by the U.S. Constitution.

