

By: Zaffirini

S.B. No. 1838

A BILL TO BE ENTITLED

AN ACT

Relating to the appointment of attorneys ad litem and the compensation of certain attorneys ad litem in suits affecting the parent-child relationship filed by a governmental entity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 107.015, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f) to read as follows:

(a) An attorney appointed under this chapter, chapter 262, or chapter 264 to serve as an attorney ad litem for a child, an attorney in the dual role, or an attorney ad litem for a parent is entitled to reasonable fees and expenses in the amount set by the court to be paid by the parents of the child unless the parents are indigent.

(c) If indigency of the parents is shown, an attorney ad litem appointed to represent a child or parent in a suit filed by a governmental entity under Title 5 who is not an employee of an office of child representation, office of parent representation, or other entity that uses public money to provide legal representation to children or parents in a suit filed by a governmental entity under Title 5 shall be paid from the general funds of the county according to the fee schedule adopted under Section 107.0155 ~~[that applies to an attorney appointed to represent a child in a suit under Title 3 as provided by Chapter 51]~~. The court may not award

1 attorney ad litem fees under this chapter against the state, a state  
2 agency, or a political subdivision of the state except as provided  
3 by this subsection.

4 (e) A court may remove a person from the list maintained by  
5 the court of persons qualified for appointment as attorney or  
6 guardian ad litem if, after notice and a hearing, the court  
7 determines the person submitted a voucher or claim for payment  
8 under Subsection (d) for services the person did not perform.

9 (f) A person whose voucher or claim for payment under  
10 Subsection (d) was denied or modified by the court or has not been  
11 approved by the court by the 60th day after the date the voucher or  
12 claim for payment was submitted may file a petition addressed to the  
13 presiding judge of the administrative judicial region to compel  
14 payment or to appeal the denial or modification of the payment. The  
15 presiding judge of the administrative judicial region shall review  
16 the petition for payment filed under this section, determine the  
17 amount due to the petitioner, and order the commissioners court to  
18 pay that amount not later than the 45th day after the date a  
19 petition is filed under this subsection. The presiding judge of the  
20 administrative judicial region may hold a hearing in a proceeding  
21 described by this subsection.

22 SECTION 2. Part 1, Subchapter B, Chapter 107, Family Code,  
23 is amended by adding Section 107.0155 to read as follows:

24 Sec. 107.0155. FEE SCHEDULE FOR CERTAIN ATTORNEYS AD LITEM.  
25 (a) Each court in a county hearing suits filed by a governmental  
26 entity under Title 5 shall jointly develop, adopt, and submit to the  
27 commissioners court of the county a fee schedule for the

compensation of an attorney ad litem described by Section 107.015(c) that includes:

(1) payments for:

(A) time spent in court making an appearance on behalf of the parent or child in the case, including in an appellate court; and

(B) reasonable and necessary time spent out of court on the case, including in the preparation of an appeal; and

(2) reimbursement for reasonable and necessary expenses.

(b) A fee schedule adopted under Subsection (a) must:

(1) describe with specificity services and expenses eligible for payment or reimbursement;

(2) include an hourly or fixed payment rate based on:

(A) reasonable and necessary time spent on a case;

(B) reasonable and necessary overhead costs associated with a case; and

(C) the availability of qualified attorneys willing to serve at the rate; and

(3) include a form for the itemization of services and expenses for a claim for payment under Section 107.015(d).

SECTION 3. Section 107.252, Family Code, is amended to read as follows:

Sec. 107.252. APPLICABILITY. This subchapter applies to a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for a

child in which appointment of an attorney is required under Section 107.012 or 107.013 or a suit filed under Subtitle E.

SECTION 4. Section 107.254, Family Code, is amended to read as follows:

Sec. 107.254. OFFICE OF CHILD REPRESENTATION. An office of child representation is an entity that uses public money to provide legal representation and services for a child in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for the child in which appointment is mandatory for a child under Section 107.012 or suits filed under Subtitle E.

SECTION 5. Section 107.255, Family Code, is amended to read as follows:

Sec. 107.255. OFFICE OF PARENT REPRESENTATION. An office of parent representation is an entity that uses public money to provide legal representation and services for a parent in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for a child in which appointment is mandatory for a parent under Section 107.013 or suits filed under Subtitle E.

SECTION 6. Section 107.260(a), Family Code, is amended to read as follows:

(a) If there is an office of child representation or office of parent representation serving a county, a court in that county shall appoint for a child or parent, as applicable, an attorney from the office in a suit filed in the county by a governmental entity in which appointment of an attorney is required under Section 107.012,

1 107.013, or Subtitle E [~~seeking termination of the parent-child~~  
2 ~~relationship~~] unless there is a conflict of interest or other  
3 reason to appoint a different attorney from the list maintained by  
4 the court of attorneys qualified for appointment under Section  
5 107.012 or 107.013.

6 SECTION 7. Section 107.302(a), Family Code, is amended to  
7 read as follows:

8 (a) A managed assigned counsel program may be operated with  
9 public money for the purpose of appointing counsel to provide legal  
10 representation and services for a child or parent in a suit filed by  
11 a governmental entity in which appointment is mandatory for a child  
12 under Section 107.012, for a parent under Section 107.013, or  
13 Subtitle E.

14 SECTION 8. Section 107.307 (a), Family Code, is amended to  
15 read as follows:

16 (a) The judge of a county served by a program shall make any  
17 appointment required under Section 107.012, ~~or 107.013 in a suit~~  
18 ~~filed in the county by a governmental entity seeking termination of~~  
19 ~~the parent-child relationship or the appointment of a conservator~~  
20 ~~for the child~~, or Subtitle E from the program's public appointment  
21 list, unless there is a conflict of interest or other reason to  
22 appoint a different attorney from the list maintained by the court  
23 of attorneys qualified for appointment under Section 107.012 or  
24 107.013.

25 SECTION 9. Sections 107.252, 107.254, 107.255, 107.260(a),  
26 107.302(a), and 107.307(a), Family Code, as amended by this Act,  
27 apply only to a suit affecting the parent-child relationship or

1 suit under Subtitle E filed by a governmental entity on or after the  
2 effective date of this Act.

3 SECTION 10. (a) Not later than January 1, 2026, the courts  
4 in each county hearing suits filed by a governmental entity under  
5 Title 5, Family Code, shall adopt the fee schedule required by  
6 Section 107.0155, Family Code, as added by this Act.

7 (b) Section 107.015(c), Family Code, as amended by this Act,  
8 and Section 107.0155, Family Code, as added by this Act, apply only  
9 to an attorney ad litem appointed on or after January 1, 2026.

10 SECTION 11. This Act takes effect September 1, 2025.