

By: Naishtat

H.B. No. 227

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the completion of continuing legal education by an
3 attorney ad litem appointed for a child in certain proceedings
4 regarding the abuse or neglect of the child.

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

6 SECTION 1. Section 107.004, Family Code, is amended to read
7 as follows:

8 Sec. 107.004. ADDITIONAL DUTIES OF ATTORNEY AD LITEM FOR
9 CHILD. (a) Except as otherwise provided by this chapter, the
10 attorney ad litem appointed for a child shall:

11 (1) seek to elicit in a developmentally appropriate
12 manner the child's expressed objectives of representation;

13 (2) advise the child;

14 (3) provide guidance to the child;

15 (4) represent the child's expressed objectives of
16 representation and follow the child's expressed objectives of
17 representation during the course of litigation if the attorney ad
18 litem determines that the child is competent to understand the
19 nature of an attorney-client relationship and has formed that
20 relationship with the attorney ad litem;

21 (5) consider the impact on the child in formulating
22 the attorney ad litem's presentation of the child's expressed
23 objectives of representation to the court; and

24 (6) become familiar with:

1 (A) the American Bar Association's standards of
2 practice for attorneys who represent children in abuse and neglect
3 cases; and

4 (B) the suggested amendments to those standards
5 adopted by the National Association of Counsel for Children.

6 (b) An attorney ad litem appointed for a child in a
7 proceeding under Chapter 262 or 263 shall complete at least three
8 hours of continuing legal education relating to child advocacy as
9 described by Subsection (c) as soon as practicable after the
10 attorney ad litem's appointment. An attorney ad litem is not
11 required to comply with this subsection if the court finds that the
12 attorney ad litem has experience equivalent to the required
13 education.

14 (c) The continuing legal education required by Subsection
15 (b) must:

16 (1) be low-cost, available on the Internet, and
17 provided through the State Bar of Texas; and

18 (2) focus on the duties of an attorney ad litem in, and
19 the procedures of and best practices for, a proceeding under
20 Chapter 262 or 263.

21 SECTION 2. The changes in law made by this Act apply only to
22 an attorney ad litem for a child appointed in a proceeding under
23 Chapter 262 or 263, Family Code, on or after the effective date of
24 this Act. An attorney ad litem for a child appointed in a
25 proceeding under Chapter 262 or 263, Family Code, before the
26 effective date of this Act is governed by the law in effect on the
27 date the attorney ad litem was appointed, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. The State Bar of Texas shall adopt rules
3 governing the reporting of an attorney ad litem's timely completion
4 of the continuing legal education required by Section 107.004(b),
5 Family Code, as added by this Act.

6 SECTION 4. This Act takes effect September 1, 2005.