

By: O'Day

H.B. No. 2342

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of an attorney ad litem for a child in
3 certain suits affecting the parent-child relationship filed by a
4 governmental entity.

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

6 SECTION 1. Section 107.012, Family Code, is amended to read
7 as follows:

8 Sec. 107.012. [~~MANDATORY~~] APPOINTMENT OF ATTORNEY AD LITEM
9 FOR CHILD. (a) In a suit filed by a governmental entity requesting
10 termination of the parent-child relationship [~~or to be named~~
11 ~~conservator of a child~~], the court shall appoint an attorney ad
12 litem to represent the interests of the child immediately after the
13 filing, but before the full adversary hearing, to ensure adequate
14 representation of the child.

15 (b) In a suit filed by a governmental entity requesting to
16 be named conservator of a child, the court may appoint an attorney
17 ad litem to represent the interests of the child. An appointment
18 made under this subsection must be made immediately after the
19 filing, but before the full adversary hearing, to ensure adequate
20 representation of the child.

21 SECTION 2. Section 107.0125(a), Family Code, is amended to
22 read as follows:

23 (a) The [~~In order to comply with the mandatory appointment~~
24 ~~of a guardian ad litem under Section 107.011 and the mandatory~~

1 ~~appointment of an attorney ad litem under Section 107.012, the]~~
2 court may appoint an attorney to serve in the dual role of guardian
3 ad litem under Section 107.011 and attorney ad litem under Section
4 107.012.

5 SECTION 3. The heading to Section 107.013, Family Code, is
6 amended to read as follows:

7 Sec. 107.013. [~~MANDATORY~~] APPOINTMENT OF ATTORNEY AD LITEM
8 FOR PARENT.

9 SECTION 4. Section 107.013, Family Code, is amended by
10 adding Subsection (d) to read as follows:

11 (d) In a suit filed by a governmental entity requesting
12 temporary managing conservatorship of a child, the court may
13 appoint an attorney ad litem to represent the interests of:

14 (1) a parent served by citation by publication;

15 (2) an alleged father who failed to register with the
16 registry under Chapter 160 and whose identity or location is
17 unknown; or

18 (3) an alleged father who registered with the
19 paternity registry under Chapter 160, but the petitioner's attempt
20 to personally serve citation at the address provided to the
21 registry and at any other address for the alleged father known by
22 the petitioner has been unsuccessful.

23 SECTION 5. The changes in law made by this Act apply only to
24 a suit affecting the parent-child relationship filed on or after
25 the effective date of this Act. A suit affecting the parent-child
26 relationship filed before the effective date of this Act is
27 governed by the law in effect on the date the suit was filed, and the

1 former law is continued in effect for that purpose.

2 SECTION 6. This Act takes effect September 1, 2007.