By: Lucio
S.B. No. 706

A BILL TO BE ENTITLED

1   AN ACT
2   relating to the appointment of attorneys ad litem.
3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4   SECTION 1. Section 74.092, Government Code, is amended to
5   read as follows:
6   Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A
7   local administrative judge, for the courts for which the judge
8   serves as local administrative judge, shall:
9   (1) implement and execute the local rules of
10 administration, including the assignment, docketing, transfer, and
11 hearing of cases;
12   (2) appoint any special or standing committees
13 necessary or desirable for court management and administration;
14   (3) promulgate local rules of administration if the
15 other judges do not act by a majority vote;
16   (4) recommend to the regional presiding judge any
17 needs for assignment from outside the county to dispose of court
18 caseloads;
19   (5) supervise the expeditious movement of court
20 caseloads, subject to local, regional, and state rules of
21 administration;
22   (6) provide the supreme court and the office of court
23 administration requested statistical and management information;
24   (7) set the hours and places for holding court in the

1 county;

2   (8) supervise the employment and performance of

3 nonjudicial personnel;

4   (9) supervise the budget and fiscal matters of the

5 local courts, subject to local rules of administration;

6   (10) coordinate and cooperate with any other local

7 administrative judge in the district in the assignment of cases in

8 the courts' concurrent jurisdiction for the efficient operation of

9 the court system and the effective administration of justice; [and]

10   (11) establish and maintain a list of all attorneys

11 qualified to serve as an attorney ad litem; and

12   (12) perform other duties as may be directed by the

13 chief justice or a regional presiding judge.

14   (b) A list of attorneys ad litem maintained under Subsection

15 (a)(11) must contain the names of all attorneys who:

16   (1) meet any statutory or other requirements to serve

17 as an attorney ad litem; and

18   (2) have registered to serve as attorney ad litem with

19 a court for which the judge maintaining the list serves as local

20 administrative judge.

21   SECTION 2. Subchapter D, Chapter 74, Government Code, is

22 amended by adding Section 74.098 to read as follows:

23   Sec. 74.098. APPOINTMENT OF ATTORNEYS AD LITEM; MAINTENANCE

24 OF LIST. (a) Except as provided by Subsection (b), in each case in

25 which the appointment of an attorney ad litem is necessary, a court

26 shall appoint the attorney whose name appears first on the list of

27 attorneys ad litem maintained by the local administrative judge for

1 that court as required by Section 74.092.

2 (b) The court may appoint an attorney included on the list

3 whose name does not appear first on the list or an attorney not

4 included on the list if the appointment of that attorney as attorney

5 ad litem is:

6 (1) required on a complex matter because the attorney

7 possesses relevant specialized education, training, certification,

8 or skill;

9 (2) made pursuant to the Family Code, Health and

10 Safety Code, Human Resources Code, or Texas Probate Code; or

11 (3) agreed on by the parties and approved by the court.

12 (c) After an attorney has been appointed as an attorney ad

13 litem, the local administrative judge shall place that attorney's

14 name at the end of the list.

15 SECTION 3. Not later than December 1, 2007, each local

16 administrative judge shall establish a list of attorneys qualified

17 to serve as attorney ad litem in a court for which the judge serves

18 as local administrative judge as required by Section 74.092,

19 Government Code, as amended by this Act.

20 SECTION 4. The change in law made by this Act applies only

21 to the appointment of an attorney ad litem on or after December 1,

22 2007.

23 SECTION 5. This Act takes effect September 1, 2007.