

By: Herrero, Naishtat, Kent, Bolton

H.B. No. 1943

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of volunteer advocates as guardians ad litem in suits affecting the parent-child relationship.

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

SECTION 1. Section 107.031, Family Code, is amended to read as follows:

Sec. 107.031. VOLUNTEER ADVOCATES AS GUARDIANS AD LITEM.

(a) In a suit filed by a governmental entity requesting termination of the parent-child relationship or appointment of the entity as conservator of the child, the court may appoint a charitable organization composed of volunteer advocates whose charter mandates the provision of services to allegedly abused and neglected children or an individual who has received the court's approved training regarding abused and neglected children and who has been certified by the court to appear at court hearings as a guardian ad litem for the child or as a volunteer advocate for the child if the court makes a determination that it is in the best interest of the child to appoint the child's attorney ad litem in the dual role.

(b) In a suit other than a suit filed by a governmental entity requesting termination of the parent-child relationship or appointment of the entity as conservator of the child, the court may appoint a charitable organization composed of volunteer advocates whose training provides for the provision of services in private

1 custody disputes or a person who has received the court's approved
2 training regarding the subject matter of the suit and who has been
3 certified by the court to appear at court hearings as a guardian ad
4 litem for the child [~~or as a volunteer advocate for the child~~]. A
5 person appointed under this subsection is not entitled to fees
6 under Section 107.023.

7 (c) A court-certified volunteer advocate appointed as
8 guardian ad litem for a child under this section may be assigned to
9 act as a surrogate parent for the child, as provided by 20 U.S.C.
10 Section 1415(b), if:

11 (1) the child is in the conservatorship of the
12 Department of Family and Protective Services; and

13 (2) [~~the volunteer advocate is serving as guardian ad~~
14 ~~litem for the child; and~~

15 [~~3~~] a foster parent of the child is not acting as the
16 child's parent under Section 29.015, Education Code.

17 SECTION 2. The changes in law made by this Act apply only to
18 a suit affecting the parent-child relationship filed on or after
19 the effective date of this Act. A suit affecting the parent-child
20 relationship filed before the effective date of this Act is
21 governed by the law in effect on the date the suit was filed, and the
22 former law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2009.