

By: Rose

H.B. No. 4157

A BILL TO BE ENTITLED

AN ACT

relating to court appointed volunteer advocates in certain suits affecting the parent-child relationship.

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

SECTION 1. Section 107.023(a), Family Code, is amended to read as follows:

(a) 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, in addition to the attorney's fees that may be awarded under Chapter 106, the following persons are entitled to reasonable fees and expenses in an amount set by the court and ordered to be paid by one or more parties to the suit:

(1) an attorney appointed as an amicus attorney or as an attorney ad litem for the child; and

(2) a professional who holds a relevant professional license and who is appointed as guardian ad litem for the child[~~other than a volunteer advocate~~].

SECTION 2. Sections 107.031(a) and (b), Family Code, are amended to read as follows:

(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 shall [~~may~~] appoint a charitable organization composed of volunteer advocates whose

1 charter mandates the provision of services to allegedly abused and
2 neglected children or an individual who has received the court's
3 approved training regarding abused and neglected children and who
4 has been certified by the court to appear at court hearings as a
5 guardian ad litem for the child or as a volunteer advocate for the
6 child.

7 (b) In a suit other than a suit filed by a governmental
8 entity requesting termination of the parent-child relationship or
9 appointment of the entity as conservator of the child, the court
10 shall ~~may~~ appoint a charitable organization composed of volunteer
11 advocates whose training provides for the provision of services in
12 private custody disputes or a person who has received the court's
13 approved training regarding the subject matter of the suit and who
14 has been certified by the court to appear at court hearings as a
15 guardian ad litem for the child or as a volunteer advocate for the
16 child. ~~[A person appointed under this subsection is not entitled~~
17 ~~to fees under Section 107.023.]~~

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