1 AN ACT

2 relating to the appointment of attorneys ad litem and to

3 court-appointed volunteer advocates in certain suits affecting the

4 parent-child relationship.

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

6 SECTION 1. Section 74.092, Government Code, is amended to

7 read as follows:

8 Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A

9 local administrative judge, for the courts for which the judge

10 serves as local administrative judge, shall:

11 (1) implement and execute the local rules of

12 administration, including the assignment, docketing, transfer, and

13 hearing of cases;

14 (2) appoint any special or standing committees

15 necessary or desirable for court management and administration;

16 (3) promulgate local rules of administration if the

17 other judges do not act by a majority vote;

18 (4) recommend to the regional presiding judge any

19 needs for assignment from outside the county to dispose of court

20 caseloads;

21 (5) supervise the expeditious movement of court

22 caseloads, subject to local, regional, and state rules of

23 administration;

24 (6) provide the supreme court and the office of court

1 administration requested statistical and management information;

2 (7) set the hours and places for holding court in the

3 county;

4 (8) supervise the employment and performance of

5 nonjudicial personnel;

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

7 local courts, subject to local rules of administration;

8 (10) coordinate and cooperate with any other local

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

10 the courts' concurrent jurisdiction for the efficient operation of

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

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

13 qualified to serve as an attorney ad litem; and

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

15 chief justice or a regional presiding judge.

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

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

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

19 as an attorney ad litem; and

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

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

22 administrative judge.

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

24 amended by adding Section 74.098 to read as follows:

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

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

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

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

2 attorneys ad litem maintained by the local administrative judge for

3 that court as required by Section 74.092.

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

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

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

7 ad litem is:

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

9 possesses relevant specialized education, training, certification,

10 or skill;

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

12 Safety Code, Human Resources Code, Texas Trust Code (Subtitle B,

13 Title 9, Property Code), or Texas Probate Code; or

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

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

16 litem from the list, the local administrative judge shall place

17 that attorney's name at the end of the list.

18   SECTION 3. Subdivision (2), Section 264.601, Family Code,

19 is amended to read as follows:

20   (2) "Volunteer advocate program" means a

21 volunteer-based, nonprofit program that:

22   (A) provides advocacy services to abused or

23 neglected children with the goal of obtaining a permanent placement

24 for a child that is in the child's best interest; and

25   (B) complies with recognized standards for

26 volunteer advocate programs.

27   SECTION 4. Section 264.602, Family Code, is amended by

1 amending Subsection (a) and adding Subsection (f) to read as
2 follows:

3   (a) The statewide organization with which the attorney
4 general contracts under Section 264.603 shall contract for services
5 with eligible volunteer advocate programs to provide advocacy
6 services to abused or neglected children [expand the existing
7 services of the programs].

8   (f) Expenses incurred by a volunteer advocate program to
9 promote public awareness of the need for volunteer advocates or to
10 explain the work performed by volunteer advocates that are paid
11 with money from the attorney general volunteer advocate program
12 account under Section 504.611, Transportation Code, are not
13 considered administrative expenses for the purpose of Section
14 264.603(b).

15   SECTION 5. Subsection (a), Section 264.603, Family Code, is
16 amended to read as follows:

17   (a) The attorney general shall contract with one statewide
18 organization of individuals or groups of individuals who have
19 expertise in the dynamics of child abuse and neglect and experience
20 in operating volunteer advocate programs to provide training,
21 technical assistance, and evaluation services for the benefit of
22 local volunteer advocate programs. The contract shall:

23   (1) include [require] measurable goals and objectives
24 relating to the number of:

25   (A) volunteer advocates in the program; and

26   (B) children receiving services from the
27 program; and

1   (2) follow practices designed to ensure compliance

2 with standards referenced in the contract [~~for expanding local~~

3 ~~volunteer child advocate programs to areas of the state in which~~

4 ~~those programs do not exist~~].

5   SECTION 6. Subsection (a), Section 264.604, Family Code, is

6 amended to read as follows:

7   (a) A person is eligible for a contract under Section

8 264.602 only if the person is a public or private nonprofit entity

9 that operates a volunteer advocate program that:

10   (1) uses individuals appointed as volunteer advocates

11 or guardians ad litem by the court to provide for the needs of

12 abused or neglected children;

13   (2) has provided court-appointed advocacy services

14 for at least six months [~~two years~~];

15   (3) provides court-appointed advocacy services for at

16 least 10 children each month; and

17   (4) has demonstrated that the program has local

18 judicial support.

19   SECTION 7. Subsections (b) and (c), Section 264.607, Family

20 Code, are repealed.

21   SECTION 8. Not later than December 1, 2009, each local

22 administrative judge shall establish a list of attorneys registered

23 and qualified to serve as attorney ad litem in a court for which the

24 judge serves as local administrative judge as required by Section

25 74.092, Government Code, as amended by this Act.

26   SECTION 9. The change in law made by this Act applies only

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

1 2009.

2   SECTION 10.   This Act takes effect September 1, 2009.

_____   _____
      President of the Senate   Speaker of the House

I hereby certify that S.B. No. 1369 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 30, 2009, by the following vote: Yeas 31, Nays 0.

                                    _____
                                          Secretary of the Senate

I hereby certify that S.B. No. 1369 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 145, Nays 3, one present not voting.

                                    _____
                                          Chief Clerk of the House

Approved:

_____
            Date

_____
          Governor