

By: Watson

S.B. No. 1767

A BILL TO BE ENTITLED

AN ACT

relating to practices and procedures in child abuse and neglect cases.

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

SECTION 1. Chapter 104, Family Code, is amended by adding Section 104.0015 to read as follows:

Sec. 104.0015. PROCEDURES FOR TESTIMONY OF CHILDREN. The supreme court, by rule, shall establish procedures to make the courtroom environment more accommodating to children who must testify in court.

SECTION 2. Section 107.004(b), Family Code, is amended to read as follows:

(b) An attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall complete at least four ~~three~~ hours of continuing legal education relating to child advocacy as described by Subsection (c) as soon as practicable after the attorney ad litem's appointment. At least one hour of the training must relate to substance abuse and its impact on child abuse and neglect cases. An attorney ad litem is not required to comply with this subsection if the court finds that the attorney ad litem has experience equivalent to the required education.

SECTION 3. Subchapter A, Chapter 107, Family Code, is amended by adding Sections 107.0041 and 107.0042 to read as follows:

1       Sec. 107.0041. ATTORNEY AD LITEM REGISTRY. (a) In this  
2 section, "commission" means the Permanent Judicial Commission for  
3 Children, Youth and Families established by the supreme court.

4       (b) The commission, in conjunction with the State Bar of  
5 Texas, shall compile an attorney ad litem registry that includes:

6           (1) the name of each attorney eligible for appointment  
7 as an attorney ad litem for a child; and

8           (2) a brief description of:

9                   (A) the attorney's qualifications; and

10                   (B) the ad litem training the attorney has  
11 completed.

12       (c) The commission shall make the registry available:

13           (1) on the supreme court's Internet website; and

14           (2) at each courthouse in the state containing a court  
15 that has jurisdiction in family law cases.

16       Sec. 107.0042. PROCEDURES FOR APPOINTING ATTORNEY AD LITEM.  
17 Before appointing an attorney to serve as an attorney ad litem, the  
18 court must consider:

19           (1) the ability of the attorney to handle the ad litem  
20 duties in addition to the attorney's other work, including the  
21 number of cases for which the attorney is already serving as an ad  
22 litem; and

23           (2) the complexity of the case and the time required to  
24 adequately represent the child's interests.

25       SECTION 4. Subchapter A, Chapter 107, Family Code, is  
26 amended by adding Section 107.0046 to read as follows:

27       Sec. 107.0046. PROHIBITED APPOINTMENT. A court may not

1 appoint an attorney to serve as an attorney ad litem for a child if  
2 the attorney, during a previous attorney ad litem appointment,  
3 failed to perform the duties required by Sections 107.003 and  
4 107.004.

5 SECTION 5. Section 22.110(b), Government Code, is amended  
6 to read as follows:

7 (b) The court of criminal appeals shall adopt the rules  
8 necessary to accomplish the purposes of this section. The rules  
9 must require each district judge, judge of a statutory county  
10 court, associate judge appointed under Chapter 54 of this code or  
11 Chapter 201, Family Code, master, referee, and magistrate to  
12 complete at least 13 [~~12~~] hours of the training within the judge's  
13 first term of office or the judicial officer's first four years of  
14 service and provide a method for certification of completion of  
15 that training. At least one hour of the training must cover the  
16 topic described by Subsection (d)(9). At least four hours of the  
17 training must be dedicated to issues related to child abuse and  
18 neglect and must cover at least two of the topics described in  
19 Subsections (d)(8), (10), (11), and (12) [~~(d)(8)-(12)~~]. At least  
20 six hours of the training must be dedicated to the training  
21 described by Subsections (d)(5), (6), and (7). The rules must  
22 require each judge and judicial officer to complete an additional  
23 five hours of training during each additional term in office or four  
24 years of service. At least two hours of the additional training  
25 must be dedicated to issues related to child abuse and neglect. The  
26 rules must exempt from the training requirement of this subsection  
27 each judge or judicial officer who files an affidavit stating that

1 the judge or judicial officer does not hear any cases involving  
2 family violence, sexual assault, or child abuse and neglect.

3       SECTION 6. The Permanent Judicial Commission for Children,  
4 Youth and Families established by the Supreme Court of Texas shall  
5 study the best practices for representation of children in child  
6 abuse and neglect cases, appropriate training and education  
7 requirements for judges and attorneys involved in child protective  
8 services cases, and the potential need for more oversight and  
9 enforcement. Not later than October 1, 2010, the commission shall  
10 submit a report containing suggested statutory or rule changes to  
11 the governor, the lieutenant governor, the speaker of the house of  
12 representatives, and the chair of the standing committee of each  
13 house of the legislature with primary jurisdiction over child abuse  
14 and neglect issues.

15       SECTION 7. (a) The change in law made by this Act to Section  
16 107.004(b), Family Code, applies only to an attorney ad litem for a  
17 child appointed in a proceeding under Chapter 262 or 263, Family  
18 Code, on or after the effective date of this Act. An attorney ad  
19 litem for a child appointed in a proceeding under Chapter 262 or  
20 263, Family Code, before the effective date of this Act is governed  
21 by the law in effect on the date the attorney ad litem was  
22 appointed, and the former law is continued in effect for that  
23 purpose.

24       (b) The change in law made by this Act to Section 22.110,  
25 Government Code, regarding the training required in a judge's first  
26 term or judicial officer's first four years of service, applies  
27 only to a judge or judicial officer who has not completed the

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1 initial training related to family violence, sexual assault, and  
2 child abuse and neglect required by that section before September  
3 1, 2009.

4 SECTION 8. This Act takes effect September 1, 2009.