

## **BILL ANALYSIS**

H.B. 2488  
By: Scott  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

A guardian and attorney ad litem appointed to represent a child in a suit affecting the parent-child relationship must review pertinent medical and mental health records of the child in order to fulfill their duties and act in the child's best interests. There is concern that current law does not clearly address whether medical and mental health providers are prohibited by federal law from providing these records to these child advocates, who can experience significant delays in getting the records or may not get them at all.

H.B. 2488 seeks to address this issue by requiring, rather than permitting, certain medical and mental health providers to release these records to certain court-appointed representatives in proceedings relating to a suit affecting to the parent-child relationship.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2488 amends the Family Code to require the custodian of a medical, mental health, or drug or alcohol treatment record of a child that is privileged or confidential to release the record, without requiring a further order or release, to an attorney ad litem, a guardian ad litem for a child, or an amicus attorney appointed in a suit affecting the parent-child relationship who is authorized by court order to access information relating to the child and to remove language authorizing the release of such a record to a person appointed by a court order to have access to the information. The bill authorizes the release of a child's drug or alcohol treatment record that is confidential under federal law only as provided under applicable federal regulations. The bill establishes that disclosure of such a confidential record under the bill does not affect the confidentiality of the record and prohibits the person provided access to such a record from disclosing the record further except as provided by court order or other law.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.