

BILL ANALYSIS

C.S.H.B. 3311
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

An attorney ad litem may be appointed to represent the legal interests of a child in certain matters. Observers note that such an attorney may spend very little time with a child before the court proceedings, which can prevent the child's interests from being properly represented. The observers further note that current law does not adequately address the need for a substantive meeting to occur and that legislation is needed to address this issue by requiring a meeting to take place a sufficient time before the hearing, in a private setting that allows for confidential communication, so that an attorney can be adequately prepared to represent the child. C.S.H.B. 3311 seeks to establish provisions relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.

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

C.S.H.B. 3311 amends the Family Code, in provisions applicable to an attorney ad litem appointed to represent a child in a suit by a governmental entity to protect the health and safety of a child or a review of placement of children under the care of the Department of Family and Protective Services, to require the meeting required to take place before each court hearing between the attorney ad litem and the child or the individual with whom the child ordinarily resides, as applicable, to take place a sufficient time before the hearing to allow the attorney ad litem to prepare for the hearing in accordance with the child's expressed objectives of representation and to take place in a private setting that allows for confidential communications between the attorney ad litem and the child or individual.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3311 differs from the original by specifying that the meeting required to take place before certain court hearings between an attorney ad litem and a child or the individual with whom the child ordinarily resides is required to take place a sufficient time before the hearing to allow the attorney ad litem to prepare for the hearing in accordance with the child's expressed objectives of representation, whereas the original requires the meeting to take place a sufficient time before the hearing to prepare for the hearing in accordance with the client's interests and needs.