

By: Thompson

H.B. No. 906

A BILL TO BE ENTITLED

AN ACT

relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.

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

SECTION 1. Section 107.013, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A parent who the court has determined is indigent for purposes of this section is presumed to remain indigent during the pendency of the suit unless the court, after reconsideration on the motion of the parent, the attorney ad litem for the parent, or the attorney representing the governmental entity, determines that the parent is no longer indigent due to a material and substantial change in the parent's financial circumstances.

SECTION 2. Part 1, Subchapter B, Chapter 107, Family Code, is amended by adding Section 107.014 to read as follows:

Sec. 107.014. DURATION OF APPOINTMENT. Subject to Section 107.016, in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for a child, an attorney appointed under this subchapter to serve as an attorney ad litem for the child, as an attorney in the dual role, or as an attorney ad litem for a parent shall continue to serve in that capacity until the earliest of:

(1) the date the suit is dismissed;

(2) the date all appeals are exhausted or waived; or

1 (3) the date the attorney is relieved of the attorney's
2 duties in the suit and replaced by another attorney after a finding
3 of good cause is rendered by the court on the record.

4 SECTION 3. Section 109.002(a), Family Code, is amended to
5 read as follows:

6 (a) An appeal from a final order rendered in a suit, when
7 allowed under this section or under other provisions of law, shall
8 be as in civil cases generally under the Texas Rules of Appellate
9 Procedure. An appeal in a suit in which termination of the
10 parent-child relationship is in issue shall be given precedence
11 over other civil cases and shall be accelerated by the appellate
12 courts. The procedures for an accelerated appeal under the Texas
13 Rules of Appellate Procedure apply to an appeal in which the
14 termination of the parent-child relationship is in issue.

15 SECTION 4. Sections 263.405(a), (b), and (c), Family Code,
16 are amended to read as follows:

17 (a) An appeal of a final order rendered under this
18 subchapter is governed by the procedures [~~rules of the supreme~~
19 ~~court~~] for accelerated appeals in civil cases under the Texas Rules
20 of Appellate Procedure [~~and the procedures provided by this~~
21 ~~section~~]. The appellate court shall render its final order or
22 judgment with the least possible delay.

23 (b) A final order rendered under this subchapter must
24 contain the following prominently displayed statement in boldfaced
25 type, in capital letters, or underlined: "A PARTY AFFECTED BY THIS
26 ORDER HAS THE RIGHT TO APPEAL. AN APPEAL IN A SUIT IN WHICH
27 TERMINATION OF THE PARENT-CHILD RELATIONSHIP IS SOUGHT IS GOVERNED

1 BY THE PROCEDURES FOR ACCELERATED APPEALS IN CIVIL CASES UNDER THE
2 TEXAS RULES OF APPELLATE PROCEDURE. FAILURE TO FOLLOW THE TEXAS
3 RULES OF APPELLATE PROCEDURE FOR ACCELERATED APPEALS MAY RESULT IN
4 THE DISMISSAL OF THE APPEAL." ~~[Not later than the 15th day after the~~
5 ~~date a final order is signed by the trial judge, a party who intends~~
6 ~~to request a new trial or appeal the order must file with the trial~~
7 ~~court.~~

8 ~~[(1) a request for a new trial; or~~
9 ~~[(2) if an appeal is sought, a statement of the point~~
10 ~~or points on which the party intends to appeal.]~~

11 (c) The supreme court shall adopt rules accelerating the
12 disposition by the appellate court and the supreme court of an
13 appeal of a final order granting termination of the parent-child
14 relationship rendered under this subchapter. ~~[A motion for a new~~
15 ~~trial, a request for findings of fact and conclusions of law, or any~~
16 ~~other post-trial motion in the trial court does not extend the~~
17 ~~deadline for filing a notice of appeal under Rule 26.1(b), Texas~~
18 ~~Rules of Appellate Procedure, or the deadline for filing an~~
19 ~~affidavit of indigence under Rule 20, Texas Rules of Appellate~~
20 ~~Procedure.]~~

21 SECTION 5. Sections 263.405(b-1), (d), (e), (f), (g), (h),
22 and (i), Family Code, are repealed.

23 SECTION 6. The Supreme Court of Texas shall adopt rules of
24 appellate procedure as required by Section 263.405(c), Family Code,
25 as amended by this Act, as soon as practicable after the effective
26 date of this Act, but not later than March 1, 2012.

27 SECTION 7. Sections 107.013(e) and 107.014, Family Code, as

1 added by this Act, apply only to a suit affecting the parent-child
2 relationship pending in a trial court on or filed on or after the
3 effective date of this Act.

4 SECTION 8. Sections 109.002(a) and 263.405(a) and (b),
5 Family Code, as amended by this Act, apply only to a final order
6 rendered on or after the effective date of this Act. A final order
7 rendered before the effective date of this Act is governed by the
8 law in effect on the date the order was rendered, and the former law
9 is continued in effect for that purpose.

10 SECTION 9. This Act takes effect September 1, 2011.