

By: King of Parker

H.B. No. 1078

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment of a guardian ad litem and attorney ad
3 litem for a minor in an application for a court order authorizing
4 the minor to consent to an abortion.

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

6 SECTION 1. Sections 33.003(e) and (i), Family Code, are
7 amended to read as follows:

8 (e) The court shall appoint a guardian ad litem for the
9 minor. If the minor has not retained an attorney, the court shall
10 appoint an attorney to represent the minor. The [~~If the guardian ad~~
11 ~~litem is an attorney admitted to the practice of law in this state,~~
12 ~~the~~] court may not appoint the guardian ad litem to serve as the
13 minor's attorney. The court may not appoint the minor's attorney to
14 be the guardian ad litem for the minor.

15 (i) The court shall determine by a preponderance of the
16 evidence whether the minor is mature and sufficiently well informed
17 to make the decision to have an abortion performed without
18 notification to either of her parents or a managing conservator or
19 guardian, whether notification would not be in the best interest of
20 the minor, and [~~or~~] whether notification may lead to physical,
21 sexual, or emotional abuse of the minor. If the court finds that
22 the minor is mature and sufficiently well informed, that
23 notification would not be in the minor's best interest, and [~~or~~]
24 that notification may lead to physical, sexual, or emotional abuse

1 of the minor, the court shall enter an order authorizing the minor
2 to consent to the performance of the abortion without notification
3 to either of her parents or a managing conservator or guardian and
4 shall execute the required forms.

5 SECTION 2. The change in law made by this Act applies only
6 to an application for a court order authorizing a minor to consent
7 to an abortion filed under Section 33.003, Family Code, as amended
8 by this Act, on or after the effective date of this Act. An
9 application filed before the effective date of this Act is governed
10 by the law in effect at the time the application was filed, and that
11 law is continued in effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2011.