

1-1 By: Harris, Huffman S.B. No. 715
1-2 (In the Senate - Filed February 15, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 30, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 30, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to access to a child's medical records by the child's
1-9 attorney ad litem, guardian ad litem, or amicus attorney.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 107.006, Family Code, is amended by
1-12 amending Subsections (a) and (c) and adding Subsection (d) to read
1-13 as follows:

1-14 (a) In [~~Except as provided by Subsection (c), in~~]
1-15 conjunction with an appointment under this chapter, other than an
1-16 appointment of an attorney ad litem for an adult or a parent, the
1-17 court shall issue an order authorizing the attorney ad litem,
1-18 guardian ad litem for the child, or amicus attorney to have
1-19 immediate access to the child and any information relating to the
1-20 child.

1-21 (c) Without requiring a further order or release, the
1-22 custodian of a [A] medical, mental health, or drug or alcohol
1-23 treatment record of a child that is privileged or confidential
1-24 under other law shall release the record [may be released] to a
1-25 person authorized to access the record [appointed] under Subsection
1-26 (a), except that a child's drug or alcohol treatment record that is
1-27 confidential under 42 U.S.C. Section 290dd-2 may only be released
1-28 as provided under applicable federal regulations [only in
1-29 accordance with the other law].

1-30 (d) The disclosure of a confidential record under this
1-31 section does not affect the confidentiality of the record, and the
1-32 person provided access to the record may not disclose the record
1-33 further except as provided by court order or other law.

1-34 SECTION 2. This Act takes effect immediately if it receives
1-35 a vote of two-thirds of all the members elected to each house, as
1-36 provided by Section 39, Article III, Texas Constitution. If this
1-37 Act does not receive the vote necessary for immediate effect, this
1-38 Act takes effect September 1, 2011.

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