

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB1026 by Harris (relating to the powers and duties of an attorney ad litem appointed for a parent or an alleged father in certain suits affecting the parent-child relationship.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would add three new sections to the Family Code specifying the powers, duties, and discipline of attorneys ad litem appointed under the Family Code for parents and alleged fathers. New §107.1031 specifies the required duties of appointed parent attorneys ad litem, including interviewing parties, factual investigation, obtaining court files, formal discovery when necessary, legal training and continuing legal education, and other requirements reflective of good faith competent legal representation. New §107.1031 also specifies the legal rights of appointed attorneys ad litem, including the right to participate in any Department of Family and Protective Services (DFPS) case staffing in which the parent is invited to participate, but excluding any internal DFPS staffing or staffing between DFPS personnel and DFPS attorneys. New §107.1032 specifies the powers and duties of attorneys ad litem for alleged fathers, including requirements relating to investigation, interviewing parties, provision of notice, and information reporting. New §107.0133 specifies that attorneys ad litem appointed for parents or alleged fathers failing to perform as required by new §§107.0131 or 107.0132 are subject to disciplinary action under the Texas State Bar Act. It is expected that any increase in DFPS' workload resulting from the bill can be implemented with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

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