

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on 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 1st 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 relevant records, formal discovery when considered 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. DFPS reports that the bill would increase the number of redacted records requested by attorneys ad litem, which may result in a delay in other record redaction requests, including records for children awaiting adoption. However, this analysis assumes that DFPS will be able to complete any additional redaction requests resulting from the bill with existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: JOB, JT, ZS, AM