

**House Bill 906**  
Senate Amendments  
Section-by-Section Analysis

**HOUSE VERSION**

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

**SENATE VERSION (IE)**

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 for the duration of the suit and any subsequent appeal 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. [FA1(1)]

SECTION 2. Section 107.016, Family Code, is amended to read as follows:

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT.

In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) [,] an order appointing the Department of Family and Protective [and Regulatory] Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem or attorney ad litem for the child for any period set by the court; and

(2) an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

(A) the date the suit affecting the parent-child relationship is dismissed;

(B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or

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

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

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

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

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

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

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(C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record. [FA1(2)]

SECTION 3. Same as House version.

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SECTION 4. Same as House version.

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

- [(1) a request for a new trial; or  
(2) if an appeal is sought, a statement of the point or points on which the party intends to appeal.]  
(c) The supreme court shall adopt rules accelerating the disposition by the appellate court and the supreme court of an appeal of a final order granting termination of the parent-child relationship rendered under this subchapter. [A motion for a new trial, a request for findings of fact and conclusions of law, or any other post trial motion in the trial court does not extend the deadline for filing a notice of appeal under Rule 26.1(b), Texas Rules of Appellate Procedure, or the deadline for filing an affidavit of indigence under Rule 20, Texas Rules of Appellate Procedure.]

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

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

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SECTION 5. Same as House version.

SECTION 6. Same as House version.

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SECTION 7. Sections 107.013(e) and 107.014, Family Code, as added by this Act, apply only to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act.

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

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

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SECTION 7. Section 107.013(e), Family Code, as added by this Act, and Section 107.016, Family Code, as amended by this Act, apply only to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act. [FA1(3)]

SECTION 8. Same as House version.

SECTION 9. Same as House version.

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