

House Bill 2488
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

SENATE VERSION (CS)

SECTION 1. Section 107.006, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

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

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

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

(e) Notwithstanding the provisions of this section, the requirements of Section 159.008, Occupations Code, apply.

(f) Records obtained under this section shall be destroyed on termination of the appointment.

SECTION 2. Same as House version.

CONFERENCE