

BILL ANALYSIS

Senate Research Center
83R6359 JSL-F

H.B. 1185
By: Thompson, Senfronia; Longoria (Hancock)
Jurisprudence
5/13/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A guardian ad litem, attorney ad litem, or amicus attorney appointed to represent a child in a suit affecting the parent-child relationship must review pertinent records of the child, including medical and mental health records, in order to fulfill the person's duties and act in the child's best interest. While current law requires that certain persons and medical and mental health providers release these records to certain court-appointed representatives in proceedings relating to such a suit and provides for the confidentiality of these records after their disclosure to an authorized recipient, the law also requires that the records be destroyed upon the termination of the appointment.

There is a concern that this requirement does not address unfortunate circumstances in which a child returns to the system. In such cases, the child's court-appointed representatives must again seek out these essential records in order to help the child. Concerned parties assert that the requirement is inefficient and a detriment to both the court-appointed representatives and the child and that allowing a representative to retain such records helps the representative better serve a child returning to the system from the first day of appointment.

H.B. 1185 amends current law relating to the retention of certain records in a suit affecting the parent-child relationship by a child's attorney ad litem, guardian ad litem, or amicus attorney.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 107.006(f) (relating to requiring that records obtained under this section be destroyed on termination of the appointment), Family Code.

SECTION 2. Effective date: September 1, 2013.