

## **BILL ANALYSIS**

H.B. 1185  
By: Thompson, Senfronia  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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 seeks to address this issue by permitting certain court-appointed representatives in proceedings relating to a suit affecting the parent-child relationship to retain these records upon termination of the appointment.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1185 repeals Section 107.006(f), Family Code, relating to a requirement to destroy records obtained by an attorney ad litem, a guardian ad litem for a child, or an amicus attorney appointed by court order in certain suits affecting the parent-child relationship in which the child's court appointed representative was given both immediate access to a child and information relating to the child.

### **EFFECTIVE DATE**

September 1, 2013.