

By: Turner of Harris

H.B. No. 1318

Substitute the following for H.B. No. 1318:

By: Parker

C.S.H.B. No. 1318

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of counsel for a detention hearing for certain youths.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.101(a), Family Code, is amended to read as follows:

(a) If an attorney is appointed under Section 54.01(b-1) or (d) to represent a child at the initial detention hearing and the child is detained, the attorney shall continue to represent the child until the case is terminated, the family retains an attorney, or a new attorney is appointed by the juvenile court. Release of the child from detention does not terminate the attorney's representation.

SECTION 2. Section 54.01, Family Code, is amended by adding Subsection (b-1) and amending Subsection (d) to read as follows:

(b-1) The court shall appoint counsel within a reasonable time before the first detention hearing is held to represent the child at that hearing.

(d) A detention hearing may be held without the presence of the child's parents if the court has been unable to locate them. If no parent or guardian is present, the court shall appoint counsel or a guardian ad litem for the child, subject to the requirements of Subsection (b-1).

SECTION 3. The change in law made by this Act applies only

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1 to a detention hearing that is held for a child taken into custody
2 on or after the effective date of this Act.

3 SECTION 4. This Act takes effect September 1, 2013.