

By: Bettencourt

S.B. No. 1217

A BILL TO BE ENTITLED

AN ACT

relating to the duty of an attorney ad litem appointed for a child to meet with the child before court hearings.

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

SECTION 1. Sections 107.004(d), (d-1), and (e), Family Code, are amended to read as follows:

(d) Except as provided by Subsection (e):

(1) ~~[]~~ an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 or a representative of the attorney ad litem shall~~[]~~

~~[]~~ meet before each court hearing with:

(A) the child, if the child is at least four years of age; or

(B) the individual with whom the child ordinarily resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age; and

(2) if the child or individual is not present at the court hearing, the attorney ad litem shall file a written statement with the court indicating that the attorney ad litem complied with Subdivision (1).

(d-1) A meeting required by Subsection (d) must take place:

(1) a sufficient time before the hearing to allow the attorney ad litem to prepare for the hearing in accordance with the

1 child's expressed objectives of representation; and

2 (2) in a private setting that allows for confidential
3 communications between the attorney ad litem or representative and
4 the child or individual with whom the child ordinarily resides, as
5 applicable.

6 (e) An attorney ad litem appointed for a child in a
7 proceeding under Chapter 262 or 263 is not required to comply with
8 Subsection (d) before a hearing if the court finds at that hearing
9 that the attorney ad litem has shown good cause why the attorney ad
10 litem's compliance with that subsection is not feasible or in the
11 best interest of the child. Additionally, a court may, on a showing
12 of good cause, authorize an attorney ad litem to comply with
13 Subsection (d) by conferring or having a representative confer with
14 the child or other individual, as appropriate, by telephone or
15 video conference.

16 SECTION 2. This Act takes effect September 1, 2015.