

1-1 By: Zaffirini S.B. No. 1369
1-2 (In the Senate - Filed March 12, 2015; March 18, 2015, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 15, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 15, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1369 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to reports on attorney ad litem, guardian ad litem,
1-22 guardian, mediator, and competency evaluator appointments made by
1-23 courts in this state and an interim study on a billing system for
1-24 attorneys ad litem.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle B, Title 2, Government Code, is amended
1-27 by adding Chapter 36 to read as follows:

1-28 CHAPTER 36. JUDICIAL REPORTS

1-29 Sec. 36.001. DEFINITIONS. In this section:

1-30 (1) "Competency evaluator" means a physician or
1-31 psychologist who is licensed or certified in this state and who
1-32 performs examinations to determine whether an individual is
1-33 incapacitated or has an intellectual disability for purposes of
1-34 appointing a guardian for the individual. The term includes
1-35 physicians and psychologists conducting examinations under
1-36 Sections 1101.103 and 1101.104, Estates Code.

1-37 (2) "Guardian" has the meaning assigned by Section
1-38 1002.012, Estates Code.

1-39 Sec. 36.002. APPLICABILITY; CONFLICT OF LAW. (a) This
1-40 chapter applies to a court in this state created by the Texas
1-41 Constitution, by statute, or as authorized by statute.

1-42 (b) To the extent of a conflict between this chapter and a
1-43 specific provision relating to a court, this chapter controls.

1-44 Sec. 36.003. EXEMPTION. The reporting requirements of
1-45 Section 36.004 do not apply to:

1-46 (1) a mediator appointed under Chapter 152, Civil
1-47 Practice and Remedies Code;

1-48 (2) an appointment made under Chapter 33, Family Code;

1-49 (3) a guardian ad litem or other person appointed
1-50 under Section 107.031, Family Code; or

1-51 (4) an attorney ad litem, guardian ad litem, or
1-52 mediator appointed to represent a child as authorized under Chapter
1-53 203, Family Code.

1-54 Sec. 36.004. REPORT ON APPOINTMENTS. (a) In addition to a
1-55 report required by other state law or rule, each court in this state
1-56 shall prepare a report on court appointments for each state fiscal
1-57 year. A court that does not make an appointment in the preceding
1-58 state fiscal year must file a report indicating that no appointment
1-59 was made in that year. A court that appoints an attorney ad litem,
1-60 guardian ad litem, guardian, mediator, or competency evaluator for

2-1 a case before the court in the preceding state fiscal year shall
 2-2 include in the report:

2-3 (1) the name of each person appointed by the court as
 2-4 an attorney ad litem, guardian ad litem, guardian, mediator, or
 2-5 competency evaluator for a case in that year;

2-6 (2) the name of the judge and the date of the order
 2-7 approving compensation to be paid to a person appointed as an
 2-8 attorney ad litem, guardian ad litem, guardian, mediator, or
 2-9 competency evaluator for a case in that year;

2-10 (3) the number and style of each case in which a person
 2-11 was appointed as an attorney ad litem, guardian ad litem, guardian,
 2-12 mediator, or competency evaluator for that year;

2-13 (4) the number of cases each person was appointed by
 2-14 the court to serve as an attorney ad litem, guardian ad litem,
 2-15 guardian, mediator, or competency evaluator in that year;

2-16 (5) if available, the number of hours and the hourly
 2-17 rate, flat fee, or pro bono hours of credit for each person who
 2-18 served as an attorney ad litem, guardian ad litem, guardian,
 2-19 mediator, or competency evaluator for an appointed case in that
 2-20 year; and

2-21 (6) the total amount of compensation paid to each
 2-22 attorney ad litem, guardian ad litem, guardian, mediator, or
 2-23 competency evaluator appointed by the court in that year and the
 2-24 source of the compensation.

2-25 (b) A court shall, not later than November 1 of each year,
 2-26 prepare the report required under Subsection (a), submit a copy of
 2-27 the report to the Office of Court Administration of the Texas
 2-28 Judicial System, and post the report at the courthouse of the county
 2-29 in which the court is located and on any Internet website of the
 2-30 court.

2-31 (c) The Office of Court Administration of the Texas Judicial
 2-32 System shall prescribe the format that courts must use to report the
 2-33 information required by this section and shall post the information
 2-34 collected under Subsection (b) on the office's Internet website.

2-35 Sec. 36.005. FAILURE TO REPORT. If a court in this state
 2-36 fails to submit a report required by Section 36.004, the court is
 2-37 ineligible for any grant money awarded by this state or a state
 2-38 agency for the next state fiscal biennium.

2-39 Sec. 36.006. TEXAS JUDICIAL COUNCIL RULES. The Texas
 2-40 Judicial Council shall, as the council considers appropriate, adopt
 2-41 rules to implement this chapter.

2-42 SECTION 2. (a) The Office of Court Administration of the
 2-43 Texas Judicial System shall conduct a study on the feasibility of
 2-44 establishing a statewide uniform attorney ad litem billing system
 2-45 that would allow attorneys appointed by courts in this state to
 2-46 serve as attorneys ad litem in cases before the courts to enter on a
 2-47 standardized form information regarding the appointment type and
 2-48 duration, case information and activities, numbers of hours served
 2-49 under the appointment, and hourly rate or flat fee paid for the
 2-50 appointment.

2-51 (b) The study conducted under this section shall examine:

2-52 (1) the possible benefits to this state and to
 2-53 counties in this state of establishing a statewide uniform attorney
 2-54 ad litem billing system;

2-55 (2) the number of attorneys in this state providing
 2-56 legal representation in court-appointed matters;

2-57 (3) the number of hours spent in client representation
 2-58 activities by attorneys serving as attorneys ad litem;

2-59 (4) the qualifications of attorneys serving as
 2-60 attorneys ad litem, including training and specialization;

2-61 (5) whether using a standardized billing voucher would
 2-62 provide uniformity in the types of vouchers attorneys are currently
 2-63 required to submit to courts for payment; and

2-64 (6) the amount of money spent on court-appointed legal
 2-65 representation by year, court, county, and person served, such as
 2-66 parent, child, or other.

2-67 (c) Not later than December 31, 2016, the Office of Court
 2-68 Administration of the Texas Judicial System shall submit an
 2-69 electronic copy of the study conducted under this section to the

3-1 governor, lieutenant governor, and speaker of the house of
3-2 representatives.

3-3 (d) This section expires September 1, 2017.

3-4 SECTION 3. Chapter 36, Government Code, as added by this
3-5 Act, applies beginning with the state fiscal year that begins
3-6 September 1, 2016.

3-7 SECTION 4. This Act takes effect September 1, 2015.

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