1 　　　　　　　　　　　　　　　AN ACT

2 relating to the appointment of attorneys ad litem, guardians ad

3 litem, mediators, and guardians in certain counties.

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

5 　　　　SECTION 1.　 Subtitle B, Title 2, Government Code, is amended

6 by adding Chapter 37 to read as follows:

7 　　　　CHAPTER 37.　 APPOINTMENTS OF ATTORNEYS AD LITEM, GUARDIANS AD

8 　　　　　　　　　　　　LITEM, MEDIATORS, AND GUARDIANS

9 　　　　Sec. 37.001.　 APPLICABILITY; CONFLICT OF LAW.　 (a)　 This

10 chapter applies to a court in this state created by the Texas

11 Constitution, by statute, or as authorized by statute that is

12 located in a county with a population of 25,000 or more.

13 　　　　(b)　 To the extent of a conflict between this chapter and a

14 specific provision relating to a court, this chapter controls.

15 　　　　Sec. 37.002.　 EXEMPTION.　 The appointment requirements of

16 Section 37.004 do not apply to:

17 　　　　　　　　(1)　 a mediation conducted by an alternative dispute

18 resolution system established under Chapter 152, Civil Practice and

19 Remedies Code;

20 　　　　　　　　(2)　 a guardian ad litem or other person appointed

21 under a program authorized by Section 107.031, Family Code;

22 　　　　　　　　(3)　 an attorney ad litem, guardian ad litem, amicus

23 attorney, or mediator appointed under a domestic relations office

24 established under Chapter 203, Family Code; or

1   (4) a person other than an attorney or a private

2 professional guardian appointed to serve as a guardian as defined

3 by Section 1002.012, Estates Code.

4   Sec. 37.003. LISTS OF ATTORNEYS AD LITEM, GUARDIANS AD

5 LITEM, MEDIATORS, AND GUARDIANS. (a) In addition to a list

6 required by other state law or rule, each court in this state shall

7 establish and maintain the following lists:

8   (1) a list of all attorneys who are qualified to serve

9 as an attorney ad litem and are registered with the court;

10   (2) a list of all attorneys and other persons who are

11 qualified to serve as a guardian ad litem and are registered with

12 the court;

13   (3) a list of all persons who are registered with the

14 court to serve as a mediator; and

15   (4) a list of all attorneys and private professional

16 guardians who are qualified to serve as a guardian as defined by

17 Section 1002.012, Estates Code, and are registered with the court.

18   (b) A court may establish and maintain more than one of a

19 list required under Subsection (a) that is categorized by the type

20 of case and the person's qualifications.

21   (c) A local administrative judge, at the request of one or

22 more of the courts the judge serves, shall establish and maintain

23 the lists required under Subsection (a) for those courts. The local

24 administrative judge may establish and maintain one set of lists

25 for all of the requesting courts and may maintain for the courts

26 more than one of a list as provided in Subsection (b).

27   Sec. 37.004. APPOINTMENT OF ATTORNEYS AD LITEM, GUARDIANS

AD LITEM, MEDIATORS, AND GUARDIANS; MAINTENANCE OF LISTS. (a) Except as provided by Subsections (c) and (d), in each case in which the appointment of an attorney ad litem, guardian ad litem, or guardian is necessary, a court using a rotation system shall appoint the person whose name appears first on the applicable list maintained by the court as required by Section 37.003.

(b) In each case in which the appointment of a mediator is necessary because the parties to the case are unable to agree on a mediator, a court using a rotation system shall appoint the person whose name appears first on the mediator list maintained by the court as required under Section 37.003.

(c) The court may appoint a person included on the applicable list whose name does not appear first on the list, or a person who meets statutory or other requirements to serve and who is not included on the list, if the appointment of that person as attorney ad litem, guardian ad litem, or guardian is agreed on by the parties and approved by the court.

(d) On finding good cause, the court may appoint a person included on the applicable list whose name does not appear first on the list, or a person who meets statutory or other requirements to serve on the case and who is not included on the list, if the appointment of that person as attorney ad litem, guardian ad litem, mediator, or guardian is required on a complex matter because the person:

(1) possesses relevant specialized education, training, certification, skill, language proficiency, or knowledge of the subject matter of the case;

1   (2)   has relevant prior involvement with the parties or

2 case; or

3   (3)   is in a relevant geographic location.

4   (e)   A person who is not appointed in the order in which the

5 person's name appears on the applicable list shall remain next in

6 order on the list.

7   (f)   After a person has been appointed as an attorney ad

8 litem, guardian ad litem, mediator, or guardian from the applicable

9 list, the court shall place that person's name at the end of the

10 list.

11   Sec. 37.005.   POSTING OF LISTS.   A court annually shall post

12 each list established under Section 37.003 at the courthouse of the

13 county in which the court is located and on any Internet website of

14 the court.

15   SECTION 2.   Section 25.0022(d), Government Code, is amended

16 to read as follows:

17   (d)   The presiding judge shall:

18   (1)   ensure the promulgation of local rules of

19 administration in accordance with policies and guidelines set by

20 the supreme court;

21   (2)   advise local statutory probate court judges on

22 case flow management practices and auxiliary court services;

23   (3)   perform a duty of a local administrative statutory

24 probate court judge if the local administrative judge does not

25 perform that duty;

26   (4)   appoint an assistant presiding judge of the

27 statutory probate courts;

1   (5) call and preside over annual meetings of the
2 judges of the statutory probate courts at a time and place in the
3 state as designated by the presiding judge;
4   (6) call and convene other meetings of the judges of
5 the statutory probate courts as considered necessary by the
6 presiding judge to promote the orderly and efficient administration
7 of justice in the statutory probate courts;
8   (7) study available statistics reflecting the
9 condition of the dockets of the probate courts in the state to
10 determine the need for the assignment of judges under this section;
11   (8) compare local rules of court to achieve uniformity
12 of rules to the extent practical and consistent with local
13 conditions; [and]
14   (9) assign a judge or former or retired judge of a
15 statutory probate court to hear a case under the circumstances
16 described by Section 25.002201(b); and
17   (10) require the local administrative judge for
18 statutory probate courts in a county to ensure that all statutory
19 probate courts in the county comply with Chapter 37.
20   SECTION 3. Section 74.092, Government Code, is amended to
21 read as follows:
22   Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE.
23 [(a)] A local administrative judge, for the courts for which the
24 judge serves as local administrative judge, shall:
25   (1) implement and execute the local rules of
26 administration, including the assignment, docketing, transfer, and
27 hearing of cases;

1 　　　　　　(2) appoint any special or standing committees
2 necessary or desirable for court management and administration;
3 　　　　　　(3) promulgate local rules of administration if the
4 other judges do not act by a majority vote;
5 　　　　　　(4) recommend to the regional presiding judge any
6 needs for assignment from outside the county to dispose of court
7 caseloads;
8 　　　　　　(5) supervise the expeditious movement of court
9 caseloads, subject to local, regional, and state rules of
10 administration;
11 　　　　　　(6) provide the supreme court and the office of court
12 administration requested statistical and management information;
13 　　　　　　(7) set the hours and places for holding court in the
14 county;
15 　　　　　　(8) supervise the employment and performance of
16 nonjudicial personnel;
17 　　　　　　(9) supervise the budget and fiscal matters of the
18 local courts, subject to local rules of administration;
19 　　　　　　(10) coordinate and cooperate with any other local
20 administrative judge in the district in the assignment of cases in
21 the courts' concurrent jurisdiction for the efficient operation of
22 the court system and the effective administration of justice;
23 　　　　　　(11) if requested by the courts the judge serves,
24 establish and maintain the lists required by Section 37.003 and
25 ensure appointments are made from the lists in accordance with
26 Section 37.004 [a list of all attorneys qualified to serve as an
27 attorney ad litem]; and

1   (12) perform other duties as may be directed by the

2 chief justice or a regional presiding judge.

3   [(b) A list of attorneys ad litem maintained under

4 Subsection (a)(11) must contain the names of all attorneys who:

5   [(1) meet any statutory or other requirements to serve

6 as an attorney ad litem; and

7   [(2) have registered to serve as attorney ad litem

8 with a court for which the judge maintaining the list serves as

9 local administrative judge.]

10   SECTION 4. Section 74.093, Government Code, is amended by

11 adding Subsection (c-1) to read as follows:

12   (c-1) The rules may provide for the establishment and

13 maintenance of the lists required by Section 37.003, including the

14 establishment and maintenance of more than one of a list required by

15 that section that is categorized by the type of case, such as family

16 law or probate law, and the person's qualifications.

17   SECTION 5. Section 74.098, Government Code, is repealed.

18   SECTION 6. Chapter 37, Government Code, as added by this

19 Act, and Section 74.092, Government Code, as amended by this Act,

20 apply only to the appointment of an attorney ad litem, guardian ad

21 litem, mediator, or guardian made on or after the effective date of

22 this Act. An appointment made before the effective date of this Act

23 is governed by the law in effect on the date the appointment was

24 made, and the former law is continued in effect for that purpose.

25   SECTION 7. This Act takes effect September 1, 2015.

_____   _____
     President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 1876 passed the Senate on May 4, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2015, by the following vote: Yeas 30, Nays 1.

                         _____
                              Secretary of the Senate

    I hereby certify that S.B. No. 1876 passed the House, with amendments, on May 26, 2015, by the following vote: Yeas 142, Nays 3, two present not voting.

                         _____
                              Chief Clerk of the House

Approved:

_____
            Date

_____
          Governor