

By: Zaffirini

S.B. No. 1876

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of attorneys ad litem, guardians ad litem, and mediators.

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

SECTION 1. Subtitle B, Title 2, Government Code, is amended by adding Chapter 37 to read as follows:

CHAPTER 37. APPOINTMENTS OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM, AND MEDIATORS

Sec. 37.001. APPLICABILITY; CONFLICT OF LAW. (a) This chapter applies to a judge of any court in this state created by the Texas Constitution, by statute, or as authorized by statute.

(b) To the extent of a conflict between this chapter and a specific provision relating to a judge or court, this chapter controls.

Sec. 37.002. LISTS OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM, AND MEDIATORS. (a) In addition to a list required by other state law or rule, the judge of each court in this state shall establish and maintain the following lists:

(1) a list of all attorneys qualified to serve as an attorney ad litem;

(2) a list of all attorneys and other persons qualified to serve as a guardian ad litem; and

(3) a list of all attorneys and other persons qualified to serve as a mediator.

1 (b) A list maintained under Subsection (a) must contain the
2 names of all attorneys and other persons who:

3 (1) meet any statutory or other requirements to serve
4 as an attorney ad litem, guardian ad litem, or mediator, as
5 applicable for each list; and

6 (2) have registered to serve as attorney ad litem,
7 guardian ad litem, or mediator with the court.

8 Sec. 37.003. APPOINTMENT OF ATTORNEYS AD LITEM, GUARDIANS
9 AD LITEM, AND MEDIATORS; MAINTENANCE OF LISTS. (a) Except as
10 provided by Subsections (b) and (c), in each case in which the
11 appointment of an attorney ad litem, guardian ad litem, or mediator
12 is necessary, a court shall appoint the attorney or other person
13 whose name appears first on the applicable list maintained by the
14 judge of the court as required by Section 37.002.

15 (b) The court may appoint an attorney or other person
16 included on the applicable list whose name does not appear first on
17 the list, or an attorney or other person who meets statutory or
18 other requirements to serve and who is not included on the list, if
19 the appointment of that attorney or person as attorney ad litem,
20 guardian ad litem, or mediator is agreed on by the parties and
21 approved by the court.

22 (c) The court may appoint from the applicable list the first
23 qualified attorney or other person included on the list, or for a
24 case in which a qualified attorney or other person is not included
25 on the list, an attorney or other person who meets statutory or
26 other requirements to serve on the case, if the appointment of that
27 attorney or person as attorney ad litem, guardian ad litem, or

1 mediator is required on a complex matter because the attorney or
2 other person possesses relevant specialized education, training,
3 certification, or skill.

4 (d) After an attorney or other person has been appointed as
5 an attorney ad litem, guardian ad litem, or mediator from the
6 applicable list, the judge shall place that attorney's or person's
7 name at the end of the list.

8 SECTION 2. Chapter 37, Government Code, as added by this
9 Act, applies only to the appointment of an attorney ad litem,
10 guardian ad litem, or mediator made on or after the effective date
11 of this Act. An appointment made before the effective date of this
12 Act is governed by the law in effect on the date the appointment was
13 made, and the former law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2015.