

By: Keough

H.B. No. 125

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of guardians ad litem and guardians.

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

SECTION 1. Section 37.004, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (a-1) to read as follows:

(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.

(a-1) Except as provided by Subsections (c) and (d), in each case in which the appointment of a guardian ad litem or guardian is necessary, a court using a rotation system shall appoint the person from among the next five names on the applicable list maintained by the court as required by Section 37.003 in the order in which the persons' names appear on the list.

(c) The court may appoint a person included on the applicable list whose name does not appear first on the list or whose name does not appear among the next five names on the list, as applicable, 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.

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

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

12 (2) has relevant prior involvement with the parties or  
13 case; or

14 (3) is in a relevant geographic location.

15 SECTION 2. Section 37.004, Government Code, as amended by  
16 this Act, applies only to the appointment of a guardian ad litem or  
17 guardian made on or after the effective date of this Act. An  
18 appointment made before the effective date of this Act is governed  
19 by the law in effect on the date the appointment was made, and the  
20 former law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2017.