

By: Miller

H.B. No. 2335

Substitute the following for H.B. No. 2335:

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C.S.H.B. No. 2335

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring evidence-based trauma training for certain
3 attorneys, court-appointed volunteer advocates, child-care
4 workers, and child protective services employees.

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

6 SECTION 1. Section 107.004(b-1), Family Code, is amended to
7 read as follows:

8 (b-1) An attorney who is on the list maintained by the court
9 as being qualified for appointment as an attorney ad litem for a
10 child in a child protection case must:

11 (1) complete at least three hours of continuing legal
12 education relating to the representation of a child in a proceeding
13 under Subtitle E each year before the anniversary date of the
14 attorney's listing; and

15 (2) complete evidence-based trauma training,
16 including instruction regarding the practical application of the
17 training to the duties of an attorney ad litem.

18 SECTION 2. Section 107.0131(a), Family Code, is amended to
19 read as follows:

20 (a) An attorney ad litem appointed under Section 107.013 to
21 represent the interests of a parent:

22 (1) shall:

23 (A) subject to Rules 4.02, 4.03, and 4.04, Texas
24 Disciplinary Rules of Professional Conduct, and within a reasonable

1 time after the appointment, interview:

2 (i) the parent, unless the parent's
3 location is unknown;

4 (ii) each person who has significant
5 knowledge of the case; and

6 (iii) the parties to the suit;

7 (B) investigate the facts of the case;

8 (C) to ensure competent representation at
9 hearings, mediations, pretrial matters, and the trial on the
10 merits:

11 (i) obtain and review copies of all court
12 files in the suit during the attorney ad litem's course of
13 representation; and

14 (ii) when necessary, conduct formal
15 discovery under the Texas Rules of Civil Procedure or the discovery
16 control plan;

17 (D) take any action consistent with the parent's
18 interests that the attorney ad litem considers necessary to
19 expedite the proceedings;

20 (E) encourage settlement and the use of
21 alternative forms of dispute resolution;

22 (F) review and sign, or decline to sign, a
23 proposed or agreed order affecting the parent;

24 (G) meet before each court hearing with the
25 parent, unless the court:

26 (i) finds at that hearing that the attorney
27 ad litem has shown good cause why the attorney ad litem's compliance

1 is not feasible; or

2 (ii) on a showing of good cause, authorizes
3 the attorney ad litem to comply by conferring with the parent, as
4 appropriate, by telephone or video conference;

5 (H) abide by the parent's objectives for
6 representation;

7 (I) become familiar with the American Bar
8 Association's standards of practice for attorneys who represent
9 parents in abuse and neglect cases; ~~and~~

10 (J) complete at least three hours of continuing
11 legal education relating to representing parents in child
12 protection cases as described by Subsection (b) as soon as
13 practicable after the attorney ad litem is appointed, unless the
14 court finds that the attorney ad litem has experience equivalent to
15 that education; and

16 (K) complete evidence-based trauma training,
17 including instruction regarding the practical application of the
18 training to the duties of an attorney ad litem; and

19 (2) is entitled to:

20 (A) request clarification from the court if the
21 role of the attorney ad litem is ambiguous;

22 (B) request a hearing or trial on the merits;

23 (C) consent or refuse to consent to an interview
24 of the parent by another attorney;

25 (D) receive a copy of each pleading or other
26 paper filed with the court;

27 (E) receive notice of each hearing in the suit;

1 (F) participate in any case staffing conducted by
2 the Department of Family and Protective Services in which the
3 parent is invited to participate, including, as appropriate, a case
4 staffing to develop a family plan of service, a family group
5 conference, a permanency conference, a mediation, a case staffing
6 to plan for the discharge and return of the child to the parent, and
7 any other case staffing that the department determines would be
8 appropriate for the parent to attend, but excluding any internal
9 department staffing or staffing between the department and the
10 department's legal representative; and

11 (G) attend all legal proceedings in the suit.

12 SECTION 3. Subchapter G, Chapter 264, Family Code, is
13 amended by adding Section 264.615 to read as follows:

14 Sec. 264.615. TRAUMA TRAINING REQUIRED. The executive
15 commissioner by rule shall require an employee or volunteer of a
16 court-appointed volunteer advocate program to receive
17 evidence-based trauma training that:

18 (1) is designed to prepare the employee or volunteer
19 to meet the routine needs of children who have experienced trauma by
20 helping the child feel safe, build relationships, and learn to
21 regulate the child's emotions; and

22 (2) includes instruction regarding the practical
23 application of the training to the employee's or volunteer's
24 duties.

25 SECTION 4. Subchapter B, Chapter 40, Human Resources Code,
26 is amended by adding Section 40.036 to read as follows:

27 Sec. 40.036. TRAUMA TRAINING REQUIREMENT FOR CHILD

1 PROTECTIVE SERVICES EMPLOYEES. (a) The department shall ensure
2 that each child protective services employee receives
3 evidence-based trauma training that:

4 (1) is designed to prepare the employee to meet the
5 routine needs of children who have experienced trauma by helping
6 the child feel safe, build relationships, and learn to regulate the
7 child's emotions; and

8 (2) includes instruction regarding the practical
9 application of the training to the employee's duties.

10 (b) The executive commissioner shall review the training
11 developed and adopted under this section and shall update the
12 subject matter contained in the training at least every two years.

13 (c) The executive commissioner shall adopt rules necessary
14 to implement this section, including a definition of trauma, using
15 a negotiated rulemaking process under Chapter 2008, Government
16 Code.

17 SECTION 5. Section 42.0421, Human Resources Code, is
18 amended by adding Subsection (e-1) to read as follows:

19 (e-1) The minimum training standards prescribed by the
20 executive commissioner under Section 42.042(p) for an owner,
21 operator, or employee of a residential child-care facility must
22 include evidence-based trauma training that:

23 (1) is designed to prepare the owner, operator, or
24 employee to meet the routine needs of children who have experienced
25 trauma by helping the child feel safe, build relationships, and
26 learn to regulate the child's emotions; and

27 (2) includes instruction regarding the practical

1 application of the training to the person's duties.

2 SECTION 6. This Act takes effect September 1, 2017.