

By: Frank

H.B. No. 2361

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a study regarding the appointment and use of attorneys  
3 ad litem in cases involving the Department of Family and Protective  
4 Services.

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

6 SECTION 1. (a) In this section:

7 (1) "Attorney ad litem" has the meaning assigned by  
8 Section [107.001](#), Family Code.

9 (2) "Commission" means the Permanent Judicial  
10 Commission for Children, Youth and Families established by the  
11 supreme court.

12 (b) The commission shall study the appointment and use of  
13 attorneys ad litem in cases involving the Department of Family and  
14 Protective Services. The commission shall:

15 (1) examine:

16 (A) the method for appointing attorneys ad litem;

17 (B) the oversight and accountability measures  
18 used across the state to monitor attorneys ad litem;

19 (C) the methods by which qualifications for  
20 appointment as an attorney ad litem and training requirements for  
21 an attorney ad litem are established and enforced;

22 (D) the timing of and duration of appointments;

23 (E) the rate of compensation for appointments and  
24 the method for establishing compensation rates across the state;

1 (F) the quality of representation and methods for  
2 assessing performance of attorneys ad litem;

3 (G) the pretrial and posttrial client  
4 satisfaction with representation by attorneys ad litem  
5 representing parents and attorneys ad litem representing children;

6 (H) organizational studies and national  
7 standards related to the workload of attorneys ad litem;

8 (I) the best practices for attorneys ad litem;  
9 and

10 (J) the estimated and average costs associated  
11 with legal representation by an attorney ad litem per child  
12 compared with the costs associated with foster care per child;

13 (2) conduct a survey of attorneys ad litem about the  
14 attorney's training, including:

15 (A) the attorney's legal education;

16 (B) whether the attorney is certified as a  
17 specialist by the Texas Board of Legal Specialization in any area of  
18 law; and

19 (C) the professional standards followed by the  
20 attorney;

21 (3) perform a statistical analysis of the data and  
22 information collected under Subdivisions (1) and (2) of this  
23 subsection; and

24 (4) develop policy recommendations for improving the  
25 attorney ad litem appointment process.

26 (c) The commission shall prepare a report based on the  
27 findings of the study conducted under this section and shall submit

1 the report to each member of the legislature not later than  
2 September 1, 2018.

3 SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2017.