

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 1, 2017**

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3109** by Giddings (Relating to the appointment of a guardian ad litem or an attorney ad litem for a child in the conservatorship of the Department of Family and Protective Services.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to require a court, in cases where the Department of Family and Protective Services (DFPS) is appointed a child's managing conservator, to appoint an attorney ad litem for the child for a period that continues as long as the child remains in the conservatorship of DFPS. The bill would allow a court to discharge an appointed ad litem for the child under certain circumstances. If a child is not represented by an attorney ad litem, the bill would require the court at each permanency hearing following a final order to determine whether the child requires representation by an attorney ad litem. If a child is represented by an attorney ad litem, the bill would require a court to consider the need for the continuation of the attorney ad litem appointment, and the court would be allowed to discharge the attorney ad litem under certain circumstances.

Based on the analysis of DFPS and the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

**Local Government Impact**

According to the Texas Association of Counties, Tom-Green County reported the bill would have a significant fiscal impact on the County.

El Paso County reported the bill would not have a significant fiscal impact on the County. The bill would codify the practice already in place in El Paso County.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, PBO, JGA, JLi