

## **BILL ANALYSIS**

C.S.H.B. 1285  
By: Smithee  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that certain legal professionals who provide pro bono legal services are subject to rotating appointment for cases in which an attorney ad litem, guardian ad litem, or guardian is necessary. Due to the fact that these persons already provide legal services for little to no cost where need exists, it has been suggested that they should not be subject to such appointments. Furthermore, concerns have been raised that this has diminished the ability of legal aid programs to recruit volunteers to provide these services. C.S.H.B. 1285 seeks to address these issues by exempting certain attorneys ad litem, guardians ad litem, amicus attorneys, and mediators from the rotating appointment and related reporting requirement.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1285 amends the Government Code to exempt from appointment as an attorney ad litem, guardian ad litem, or guardian, with respect to a case in which such appointment is necessary and is made using a rotation system, an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services without expectation or receipt of compensation or providing services as a volunteer of a nonprofit organization that provides pro bono legal services to the indigent. The requirement that the clerk of a court report on appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month does not apply to the persons exempted by the bill. The bill authorizes a court to appoint a person whose name does not appear first on the list from which the court makes appointments using a rotation system or a person who meets statutory or other requirements to serve and who is not included on the list if, within 30 days preceding the date of appointment, an initial declaration of a state of disaster, as defined by the bill, is made for the area served by the court.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1285 may differ from the original in minor or nonsubstantive ways, the

following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an authorization for a court to appoint a person who is not first on the applicable list or a person who meets statutory or other requirements to serve if an initial declaration of a state of disaster is made for the area served by the court.