

BILL ANALYSIS

Senate Research Center
86R27988 YDB-F

C.S.S.B. 560
By: Kolkhorst
Health & Human Services
4/23/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, counties must pay for the costs of appointing attorneys to represent children and indigent parents in Child Protective Services (CPS) cases. According to a Texas Association of Counties survey, attorney costs increased from 2011 to 2016 by more than 30 percent, totaling \$45.6 million in 2016. The Office of Court Administration (OCA) has estimated that roughly \$56 million was paid to attorneys appointed to parents and children in CPS cases across the state in 2017. Based on data presented to the OCA, it is apparent that CPS attorney costs are continuing to escalate. However, the OCA lacks accurate data to determine how much the state's 254 counties are currently spending on CPS attorneys because counties are not currently required to report these costs.

S.B. 560 would require the Texas Judicial Council to develop a statewide plan to address this information gap by instructing counties and courts to report information related to CPS attorney costs. The plan must include any rules or fee schedules guiding CPS attorney representation, as well as the money spent by the county on attorney costs, including the costs of private attorneys, public defenders, litigation and other expenses. The Judicial Council will report this plan biennially to the governor, lieutenant governor, and speaker of the house of representatives, and the plan will be published electronically.

Our office is not anticipating any opposition to S.B. 560. (Original Author/Sponsor's Statement of Intent)

C.S.S.B. 560 amends current law relating to a plan and report on court-ordered representation for certain suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 71, Government Code, by adding Section 71.0355, as follows:

Sec. 71.0355. PLAN AND REPORT ON COURT-ORDERED REPRESENTATION. (a) Requires the Texas Judicial Council (TJC) to develop a statewide plan requiring counties and courts in this state to report information on court-ordered representation for appointments made in suits affecting the parent-child relationship under Part 1 (Appointments in Suits by Governmental Entity), Subchapter B, Chapter 107, Family Code. Requires TJC, in developing the plan, to consider the costs to counties of implementing the plan and design the plan to reduce redundant reporting.

(b) Requires each local administrative district judge for a court subject to the plan, or the person designated by the judge, to prepare and provide to TJC a copy of all formal and informal rules and forms the court uses to appoint representation in suits affecting the parent-child relationship under Part 1, Subchapter B, Chapter 107, Family Code, and any fee schedule the court uses for court-ordered

representation, not later than November 1 of each odd-numbered year and in the form and manner prescribed in the plan.

(c) Requires each county auditor, or other individual designated by the commissioners court of a county, to prepare and send to TJC in the form prescribed in the plan information on the money spent by the county during the preceding state fiscal year to provide court-ordered representation in suits affecting the parent-child relationship under Part 1, Subchapter B, Chapter 107, Family Code. Requires the information to include certain detailed financial information.

(d) Requires each local administrative district judge for a court subject to the plan, or the person designated by the judge, and each county auditor, or other individual designated by the commissioners court of a county, to provide to TJC the information required under the plan and by this section.

(e) Requires TJC to annually compile in a report the information submitted to TJC under the plan and this section, to submit the report to the governor, lieutenant governor, and speaker of the house of representatives, and to electronically publish the report.

SECTION 2. (a) Requires TJC to develop the plan required by Section 71.0355, Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

(b) Provides that a county or court in this state is not required to comply with Section 71.0355, Government Code, as added by this Act, until September 1, 2020, or a later date provided in the plan developed under that section.

SECTION 3. Provides that TJC is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TJC, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 4. Effective date: September 1, 2019.