86R5121 MM-F

By:  Miller H.B. No. 1637

A BILL TO BE ENTITLED

AN ACT

relating to required training regarding trauma-informed care for certain judges and attorneys.

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

SECTION 1.  Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0111 to read as follows:

Sec. 22.0111.  TRAINING RELATED TO TRAUMA-INFORMED CARE. (a) Each attorney representing the state in a suit filed by a governmental entity under Subtitle E, Title 5, Family Code, seeking termination of the parent-child relationship or the appointment of a conservator for the child, each judge of a court with jurisdiction over such suits, and each associate judge appointed under Subchapter C, Chapter 201, Family Code, shall, as an official duty, complete a training program regarding trauma-informed care and the effect of trauma on children in the conservatorship of the Department of Family and Protective Services.

(b)  The supreme court shall adopt rules to provide for the training required under this section. In adopting the rules, the court shall consult with the Texas Center for the Judiciary, the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families, and the Child Protection Law Section of the State Bar of Texas.

(c)  Not later than the first anniversary of the date a judge takes office or the date an associate judge is appointed and qualifies for office, the judge or associate judge shall complete the training required by this section.

(d)  An attorney shall complete the training required by this section before the attorney may represent the state in a suit described by Subsection (a).

(e)  The training required by this section must include information regarding:

(1)  the impact that trauma has on a child, including how trauma may affect a child's memories, behavior, and decision-making;

(2)  attachment and how a lack of attachment may affect a child;

(3)  the role that trauma-informed care and services can have in helping a child build resiliency and overcome the effects of trauma and adverse childhood experiences;

(4)  the importance of screening children for trauma and the risk of mislabeling and inappropriate treatment of children without proper screening, including increasing the use of psychotropic medication;

(5)  the potential for re-traumatization of children in the conservatorship of the Department of Family and Protective Services; and

(6)  the availability of:

(A)  research-supported, trauma-informed, non-pharmacological interventions; and

(B)  trauma-informed advocacy to increase a child's access, while the child is in the conservatorship of the Department of Family and Protective Services, to:

(i)  trauma-informed care; and

(ii)  trauma-informed mental and behavioral health services.

SECTION 2.  Section 22.110, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  A judge or associate judge who completes the training required by Section 22.0111 may count the hours of training completed under that section to satisfy the training requirement of Subsection (b).

SECTION 3.  Subchapter H, Chapter 81, Government Code, is amended by adding Section 81.1131 to read as follows:

Sec. 81.1131.  CONTINUING LEGAL EDUCATION CREDIT. The state bar shall count the hours of training an attorney licensed in this state completes under Section 22.0111 toward the minimum continuing legal education requirements of the state bar for the reporting year in which the training is completed.

SECTION 4.  Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.044 to read as follows:

Sec. 40.044.  TRAINING FOR ATTORNEYS. The department shall ensure that each attorney who represents the department in a suit affecting the parent-child relationship filed under Subtitle E, Title 5, Family Code, receives the training required by Section 22.0111, Government Code.

SECTION 5.  (a) Not later than December 1, 2019, the Supreme Court of Texas shall adopt the rules necessary to provide the training required by Section 22.0111, Government Code, as added by this Act.

(b)  A judge who is in office on the effective date of this Act must complete the training required by Section 22.0111, Government Code, as added by this Act, not later than September 1, 2020.

SECTION 6.  This Act takes effect September 1, 2019.