By:  Zaffirini S.B. No. 41

(In the Senate - Filed November 12, 2018; February 1, 2019, read first time and referred to Committee on State Affairs; March 13, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; March 13, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 41 By:  Zaffirini

A BILL TO BE ENTITLED

AN ACT

relating to exemptions to reporting and list requirements for certain attorneys ad litem, guardians ad litem, amicus attorneys, mediators, and guardians.

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

SECTION 1.  Section 36.003, Government Code, is amended to read as follows:

Sec. 36.003.  EXEMPTION. The reporting requirements of Section 36.004 do not apply to:

(1)  a mediation conducted by an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code;

(2)  information made confidential under state or federal law, including applicable rules;

(3)  a guardian ad litem or other person appointed under a program authorized by Section 107.031, Family Code; [~~or~~]

(4)  an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a domestic relations office established under Chapter 203, Family Code;

(5)  an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services without expectation or receipt of compensation; or

(6)  an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services as a volunteer of a nonprofit organization that provides pro bono legal services to the indigent.

SECTION 2.  Section 37.002, Government Code, is amended to read as follows:

Sec. 37.002.  EXEMPTION. The appointment requirements of Section 37.004 do not apply to:

(1)  a mediation conducted by an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code;

(2)  a guardian ad litem or other person appointed under a program authorized by Section 107.031, Family Code;

(3)  an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a domestic relations office established under Chapter 203, Family Code; [~~or~~]

(4)  a person other than an attorney or a private professional guardian appointed to serve as a guardian as defined by Section 1002.012, Estates Code;

(5)  an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services without expectation or receipt of compensation; or

(6)  an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services as a volunteer of a nonprofit organization that provides pro bono legal services to the indigent.

SECTION 3.  Section 37.004, Government Code, is amended by amending Subsection (a) and adding Subsections (d-1) and (g) to read as follows:

(a)  Except as provided by Subsections (c), [~~and~~] (d), and (d-1), in each case in which the appointment of an attorney ad litem, guardian ad litem, or guardian is necessary, a court using a rotation system shall appoint the person whose name appears first on the applicable list maintained by the court as required by Section 37.003.

(d-1)  The court may appoint a person included on the applicable list whose name does not appear first on the list 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 is made for the area served by the court.

(g)  In this section, "declaration of a state of disaster" means a declaration made by:

(1)  the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);

(2)  the governor under Section 418.014; or

(3)  the presiding officer of the governing body of a political subdivision under Section 418.108.

SECTION 4.  This Act takes effect September 1, 2019.

\* \* \* \* \*