By:  Kolkhorst S.B. No. 560

(In the Senate - Filed January 31, 2019; February 21, 2019, read first time and referred to Committee on Health & Human Services; April 24, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 24, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Buckingham        X

Campbell          X

Flores            X

Johnson           X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR S.B. No. 560 By:  Kolkhorst

A BILL TO BE ENTITLED

AN ACT

relating to a plan and report on court-ordered representation for certain suits affecting the parent-child relationship.

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

SECTION 1.  Subchapter C, Chapter 71, Government Code, is amended by adding Section 71.0355 to read as follows:

Sec. 71.0355.  PLAN AND REPORT ON COURT-ORDERED REPRESENTATION. (a)  The council shall 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, Subchapter B, Chapter 107, Family Code. In developing the plan, the council must consider the costs to counties of implementing the plan and design the plan to reduce redundant reporting.

(b)  Not later than November 1 of each odd-numbered year and in the form and manner prescribed in the plan, each local administrative district judge for a court subject to the plan, or the person designated by the judge, shall prepare and provide to the council:

(1)  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

(2)  any fee schedule the court uses for court-ordered representation.

(c)  Each county auditor, or other individual designated by the commissioners court of a county, shall prepare and send to the council, in the form and manner 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. The information must include:

(1)  the total amount of money spent by the county to provide court-ordered representation services; and

(2)  of the money spent under Subdivision (1), the amount of money spent:

(A)  for appointments in each district court, county court, statutory county court, and appellate court in the county;

(B)  for appointments of private attorneys for respondents, including parents, children, and alleged fathers, who are indigent;

(C)  for appointments of public counsel for respondents, including parents, children, and alleged fathers, who are indigent; and

(D)  for investigation, expert witness, or other litigation expenses.

(d)  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, shall provide to the council the information required under the plan and this section.

(e)  The council annually shall:

(1)  compile in a report the information submitted to the council under the plan and this section;

(2)  submit the report compiled under Subdivision (1) to the governor, lieutenant governor, and speaker of the house of representatives; and

(3)  electronically publish the report compiled under Subdivision (1).

SECTION 2.  (a) As soon as practicable after the effective date of this Act, the Texas Judicial Council shall develop the plan required by Section 71.0355, Government Code, as added by this Act.

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

SECTION 3.  The Texas Judicial Council is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the council may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

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

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