

By: Sanford, et al.

H.B. No. 3605

Substitute the following for H.B. No. 3605:

By: White

C.S.H.B. No. 3605

A BILL TO BE ENTITLED

AN ACT

1
2 relating to appointment of an attorney ad litem or guardian ad litem
3 to represent an unborn child during a judicial bypass proceeding
4 for an abortion for a pregnant minor.

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

6 SECTION 1. Section 33.001, Family Code, is amended by
7 adding Subdivision (4-a) to read as follows:

8 (4-a) "Unborn child" has the meaning assigned by
9 Section 171.061, Health and Safety Code.

10 SECTION 2. Section 33.003, Family Code, is amended by
11 adding Subsections (f-1) and (f-2) and amending Subsection (l) to
12 read as follows:

13 (f-1) The court may appoint an attorney ad litem or guardian
14 ad litem to represent an unborn child during a proceeding under this
15 section.

16 (f-2) The attorney general shall develop and maintain a
17 registry listing the identity of and contact information for
18 attorneys qualified to serve as attorneys ad litem and other
19 individuals qualified to serve as guardians ad litem in this state
20 that have voluntarily notified the attorney general of their
21 willingness to serve, or have been asked by the attorney general and
22 have consented to serve, as attorneys ad litem or guardians ad
23 litem, as applicable, for an unborn child in proceedings under this
24 section.

1 (1) An order of the court issued under this section is
2 confidential and privileged and is not subject to disclosure under
3 Chapter 552, Government Code, or discovery, subpoena, or other
4 legal process. The order may not be released to any person but the
5 pregnant minor, the pregnant minor's guardian ad litem, the unborn
6 child's attorney ad litem or guardian ad litem, the pregnant minor's
7 attorney, the physician who is to perform the abortion, another
8 person designated to receive the order by the minor, or a
9 governmental agency or attorney in a criminal or administrative
10 action seeking to assert or protect the interest of the minor. The
11 supreme court may adopt rules to permit confidential docketing of
12 an application under this section.

13 SECTION 3. Section 33.004(c), Family Code, is amended to
14 read as follows:

15 (c) A ruling of the court of appeals issued under this
16 section is confidential and privileged and is not subject to
17 disclosure under Chapter 552, Government Code, or discovery,
18 subpoena, or other legal process. The ruling may not be released to
19 any person but the pregnant minor, the pregnant minor's guardian ad
20 litem, the unborn child's attorney ad litem or guardian ad litem,
21 the pregnant minor's attorney, another person designated to receive
22 the ruling by the minor, or a governmental agency or attorney in a
23 criminal or administrative action seeking to assert or protect the
24 interest of the minor. The supreme court may adopt rules to permit
25 confidential docketing of an appeal under this section.

26 SECTION 4. Section 33.006, Family Code, is amended to read
27 as follows:

1 Sec. 33.006. GUARDIAN AD LITEM OR CERTAIN ATTORNEYS AD
2 LITEM IMMUNITY. A guardian ad litem appointed for a pregnant minor
3 under this chapter or attorney ad litem or guardian ad litem
4 appointed for an unborn child who is ~~and~~ acting in the course and
5 scope of the appointment is not liable for damages arising from an
6 act or omission of the guardian or attorney ad litem committed in
7 good faith. The immunity granted by this section does not apply if
8 the conduct of the guardian or attorney ad litem is committed in a
9 manner described by Sections 107.009(b)(1)-(3)
10 ~~[107.003(b)(1)-(4)]~~.

11 SECTION 5. Section 33.007(a), Family Code, is amended to
12 read as follows:

13 (a) A court acting under Section 33.003 or 33.004 may issue
14 an order requiring the state to pay:

15 (1) the cost of any attorney ad litem and any guardian
16 ad litem appointed for the minor;

17 (2) notwithstanding Sections 33.003(n) and 33.004(e),
18 the costs of court associated with the application or appeal; ~~and~~

19 (3) any court reporter's fees incurred; and

20 (4) the cost of any attorney ad litem or guardian ad
21 litem appointed for an unborn child.

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