

By: Zaffirini  
(Smithee)

S.B. No. 41

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to exemptions to reporting and list requirements for  
3 certain attorneys ad litem, guardians ad litem, amicus attorneys,  
4 mediators, and guardians.

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

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

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

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

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

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

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

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

23 (6) an attorney ad litem, guardian ad litem, amicus  
24 attorney, or mediator providing services as a volunteer of a

1 nonprofit organization that provides pro bono legal services to the  
2 indigent.

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

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

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

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

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

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

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

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

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

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

7 (d-1) The court may appoint a person included on the  
8 applicable list whose name does not appear first on the list or a  
9 person who meets statutory or other requirements to serve and who is  
10 not included on the list if, within 30 days preceding the date of  
11 appointment, an initial declaration of a state of disaster is made  
12 for the area served by the court.

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

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

18 (2) the governor under Section 418.014; or

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

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