

By: Kolkhorst
(Smithee)

S.B. No. 560

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

1 representation.

2 (c) Each county auditor, or other individual designated by
3 the commissioners court of a county, shall prepare and send to the
4 council, in the form and manner prescribed in the plan, information
5 on the money spent by the county during the preceding state fiscal
6 year to provide court-ordered representation in suits affecting the
7 parent-child relationship under Part 1, Subchapter B, Chapter 107,
8 Family Code. The information must include:

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

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

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

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

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

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

24 (d) Each local administrative district judge for a court
25 subject to the plan, or the person designated by the judge, and each
26 county auditor, or other individual designated by the commissioners
27 court of a county, shall provide to the council the information

1 required under the plan and this section.

2 (e) The council annually shall:

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

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

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

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

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

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

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