

BILL ANALYSIS

Senate Research Center

S.B. 2049
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Youth in foster care become involved with the juvenile justice (JJ) system much more often than their peers, and once they do, they are at even higher risk of negative outcomes. These youth, commonly referred to as dual status youth, require a unique approach. Ninety-two percent of youth involved in both systems first experience foster care, and then become involved in the JJ system. Additionally, youth in foster care who enter the JJ system have worse outcomes than their non-foster-care peers. Dual status involvement is associated with higher risks for mental health and education challenges, as well as higher rates of recidivism and longer stays in detention.

In 2018, the Supreme Court of Texas Children's Commission created the Dual Status Task Force (DSTF). One of the things they studied was exploring the roles of attorneys and guardians ad litem (GAL) representing the child and identifying gaps and strengths in policies and practices that support dual status youth in Texas. Given the complexity of dual status cases and the need for increased coordination and collaboration, the DSTF identified the need for youth with a concurrent child welfare and JJ case to have both an attorney and a GAL to advocate on their behalf.

The DSTF identified that the role of the GAL is more defined and broader in the child welfare case than it is in the juvenile case. To better refine and clarify the role of a GAL in a dual status case, S.B. 2049 makes changes to add clarity around confidentiality and when and how information can be shared. These changes will help everyone serving on dual status cases have a clear sense of the role of the GAL, allowing children and youth to have access to the advocacy they deserve.

(Original Author's / Sponsor's Statement of Intent)

S.B. 2049 amends current law relating to guardians ad litem for children who are in the juvenile justice system and the child protective services system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.11, Family Code, by amending Subsection (a) and adding Subsections (a-1), (d), and (e), as follows:

(a) Defines "dual-system child" and "dual-status child" for Section 51.11 (Guardian Ad Litem).

(a-1) Creates this subsection from existing text and makes no further changes.

(d) Authorizes a juvenile court to appoint a guardian ad litem appointed under Chapter 107 (Special Appointments, Child Custody Evaluations, and Adoption Evaluations) for a child in a suit affecting the parent-child relationship filed by the Department of Family

and Protective Services to serve as the guardian ad litem for the child in a proceeding held under Title 3 (Juvenile Justice Code).

(e) Prohibits a non-attorney guardian ad litem in a case involving a dual-system child from investigating any charges involving a dual-status child that are pending with the juvenile court or offering testimony concerning the guilt or innocence of a dual-status child.

SECTION 2. Amends Section 54.01(c), Family Code, to authorize a court, at a detention hearing, to consider written reports from certain persons, including guardians ad litem appointed under Section 51.11(d). Makes a nonsubstantive change.

SECTION 3. Amends Section 54.02(e), Family Code, to make a conforming change.

SECTION 4. Amends Section 54.04(b), Family Code, to make a conforming change.

SECTION 5. Amends Section 54.05(e), Family Code, to make conforming and nonsubstantive changes.

SECTION 6. Amends Section 54.11(d), Family Code, to make a conforming change.

SECTION 7. Amends Section 107.011, Family Code, by adding Subsection (e), as follows:

(e) Authorizes a court to appoint the person appointed as guardian ad litem for the child under Section 51.11 to also serve as the guardian ad litem for the child under Section 107.011 (Mandatory Appointment of Guardian Ad Litem) if the person is qualified under Chapter 107 to serve as guardian ad litem.

SECTION 8. Effective date: September 1, 2021.