

## **BILL ANALYSIS**

Senate Research Center  
87R7044 MLH-D

S.B. 2049  
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Health & Human Services  
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As Filed

### **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.

As proposed, 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 adding Subsections (d) and (e), as follows:

(d) Authorizes the juvenile court to appoint the 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 guardian ad litem from investigating any charges involving the child that are pending with the juvenile court.

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

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 a conforming change.

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

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

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

(f) Prohibits a guardian ad litem appointed under Section 107.011 for a child from investigating any pending criminal or juvenile charges involving the child, notwithstanding any other law.

SECTION 8. Effective date: September 1, 2021.