87R3122 MLH-F

By:  Minjarez H.B. No. 147

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of guardians ad litem and volunteer advocates representing children in the managing conservatorship of the Department of Family and Protective Services.

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

SECTION 1.  Section 107.002(b-1), Family Code, is amended to read as follows:

(b-1)  In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1)  review the medical care provided to the child;

(2)  in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided;

(3)  for a child at least 16 years of age, ascertain whether the child has received the following documents:

(A)  a certified copy of the child's birth certificate;

(B)  a social security card or a replacement social security card;

(C)  a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(D)  any other personal document the Department of Family and Protective Services determines appropriate; [~~and~~]

(4)  seek to elicit in a developmentally appropriate manner the name of any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and immediately provide the names of those individuals to the Department of Family and Protective Services;

(5)  not later than the 30th day after the date the guardian ad litem is appointed, inform the child of the child's rights under Section 263.008 and provide the child with a written copy of those rights; and

(6)  record the date the guardian ad litem provided the information required by Subdivision (5).

SECTION 2.  Section 107.031(c), Family Code, is amended to read as follows:

(c)  A court-certified volunteer advocate appointed under this section may be assigned to act as a surrogate parent for the child, as provided by 20 U.S.C. Section 1415(b), if:

(1)  the child is in the conservatorship of the Department of Family and Protective Services;

(2)  the volunteer advocate is serving as guardian ad litem for the child;

(3)  a foster parent of the child is not acting as the child's parent under Section 29.015, Education Code; [~~and~~]

(4)  the volunteer advocate completes a training program for surrogate parents that complies with minimum standards established by rule by the Texas Education Agency within the time specified by Section 29.015(b), Education Code; and

(5)  the volunteer advocate completes training on:

(A)  the child's rights under Section 263.008; and

(B)  the procedure for the child to report abuse or neglect, including using the statewide toll-free telephone hotline.

SECTION 3.  The changes in law made by this Act apply only to a guardian ad litem or volunteer advocate in a suit affecting the parent-child relationship appointed on or after the effective date of this Act. A guardian ad litem or volunteer advocate appointed before that date is governed by the law in effect on the date the guardian ad litem or volunteer advocate was appointed, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2021.