

By: Minjarez

H.B. No. 147

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of guardians ad litem and
3 volunteer advocates representing children in the managing
4 conservatorship of the Department of Family and Protective
5 Services.

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

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

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

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

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

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

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

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

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

24 (D) any other personal document the Department of

1 Family and Protective Services determines appropriate; ~~and~~

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

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

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

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

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

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

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

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

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

- 1 (5) the volunteer advocate completes training on:
2 (A) the child's rights under Section 263.008; and
3 (B) the procedure for the child to report abuse
4 or neglect, including using the statewide toll-free telephone
5 hotline.

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

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