

By: J. Johnson of Harris, Neave, Leach

H.B. No. 1315

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the duration of an appointment of a guardian ad litem or
3 an attorney ad litem for a child in the conservatorship of the
4 Department of Family and Protective Services.

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

6 SECTION 1. Section 107.016, Family Code, is amended to read
7 as follows:

8 Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF
9 APPOINTMENT. In a suit filed by a governmental entity in which
10 termination of the parent-child relationship or appointment of the
11 entity as conservator of the child is requested:

12 (1) ~~[an order appointing the Department of Family and~~
13 ~~Protective Services as the child's managing conservator may provide~~
14 ~~for the continuation of the appointment of the guardian ad litem for~~
15 ~~the child for any period during the time the child remains in the~~
16 ~~conservatorship of the department, as set by the court,~~

17 ~~[(2)]~~ an order appointing the Department of Family and
18 Protective Services as the child's managing conservator shall ~~[may]~~
19 provide for the continuation of the appointment of the guardian ad
20 litem and the attorney ad litem for the child, or an attorney
21 appointed to serve in the dual role, as long as the child remains in
22 the conservatorship of the department; and

23 (2) ~~[(3)]~~ an attorney appointed under this subchapter
24 to serve as an attorney ad litem for a parent or an alleged father

1 continues to serve in that capacity until the earliest of:

2 (A) the date the suit affecting the parent-child
3 relationship is dismissed;

4 (B) the date all appeals in relation to any final
5 order terminating parental rights are exhausted or waived; or

6 (C) the date the attorney is relieved of the
7 attorney's duties or replaced by another attorney after a finding
8 of good cause is rendered by the court on the record.

9 SECTION 2. The changes in law made by this Act apply to a
10 suit affecting the parent-child relationship filed before, on, or
11 after the effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2021.