

AN ACT

relating to the duration of an appointment of a guardian ad litem or an attorney ad litem for a child in the conservatorship of the Department of Family and Protective Services.

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

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

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

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

~~(2)]~~ an order appointing the Department of Family and Protective Services as the child's managing conservator:

(A) shall [may] provide for the continuation of the appointment of the guardian ad litem or the attorney ad litem for the child, or an attorney appointed to serve in the dual role, as long as the child remains in the conservatorship of the department; and

(B) may provide for the continuation of the

1 appointment of both the attorney ad litem and the guardian ad litem  
2 for the child if both have been appointed, as long as the child  
3 remains in the conservatorship of the department; and

4           (2) [~~3~~] an attorney appointed under this subchapter  
5 to serve as an attorney ad litem for a parent or an alleged father  
6 continues to serve in that capacity until the earliest of:

7                   (A) the date the suit affecting the parent-child  
8 relationship is dismissed;

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

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

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1315 was passed by the House on April 21, 2021, by the following vote: Yeas 110, Nays 37, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1315 on May 28, 2021, by the following vote: Yeas 107, Nays 32, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1315 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor