By: J. Johnson of Harris

H.B. No. 1315

A BILL TO BE ENTITLED

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- 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 $\left[\frac{(2)}{2}\right]$ an order appointing the Department of Family and
- 18 Protective Services as the child's managing conservator $\frac{\text{shall}}{\text{shall}}$
- 19 provide for the continuation of the appointment of the guardian ad
- 20 <u>litem or</u> attorney ad litem for the child, or an attorney appointed
- 21 to serve in the dual role, as long as the child remains in the
- 22 conservatorship of the department; and
- (2) $[\frac{(3)}{(3)}]$ an attorney appointed under this subchapter
- 24 to serve as an attorney ad litem for a parent or an alleged father

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- 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.