

By: Perry, Zaffirini

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

relating to requiring trauma training for certain attorneys.

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

SECTION 1. Section 107.004, Family Code, is amended by amending Subsection (b-1) and adding Subsections (b-2), (b-3), and (b-4) to read as follows:

(b-1) An attorney who is on the list maintained by the court as being qualified for appointment as an attorney ad litem for a child in a child protection case must:

(1) complete at least three hours of continuing legal education relating to the representation of a child in a proceeding under Subtitle E each year before the anniversary date of the attorney's listing; and

(2) provide proof that the attorney has completed a training program regarding trauma-informed care and the effect of trauma on children in the conservatorship of the Department of Family and Protective Services.

(b-2) The training described by Subsection (b-1)(2) may satisfy the training requirement under Subsection (b-1)(1) in a year in which an attorney completes the training.

(b-3) An attorney described by Subsection (b-1) shall complete the training required by Subsection (b-1)(2) as soon as practicable after the attorney is placed on the list described by Subsection (b-1).

1        (b-4) The training required by Subsection (b-1)(2) must be  
2 designed to educate an attorney regarding the attorney's duty under  
3 Subsection (d-3) and include information regarding:

4            (1) the symptoms of trauma and the impact that trauma  
5 has on a child, including how trauma may affect a child's  
6 development, emotions, memories, behavior, and decision-making;

7            (2) attachment and how a lack of attachment may affect  
8 a child;

9            (3) the role that trauma-informed care and services  
10 can have in a child's ability to build connections, feel safe, and  
11 regulate the child's emotions to help the child build resiliency  
12 and overcome the effects of trauma and adverse childhood  
13 experiences;

14           (4) the importance of screening children for trauma  
15 and the risk of mislabeling and inappropriate treatment of children  
16 without proper screening, including the risk associated with  
17 increasing the use of psychotropic medication;

18           (5) the potential for re-traumatization of children in  
19 the conservatorship of the Department of Family and Protective  
20 Services; and

21           (6) the availability of:

22                    (A) research-supported, trauma-informed,  
23 non-pharmacological interventions; and

24                    (B) trauma-informed advocacy to increase a  
25 child's access, while the child is in the conservatorship of the  
26 Department of Family and Protective Services, to:

27                            (i) trauma-informed care; and

1                    (ii) trauma-informed mental and behavioral  
2 health services.

3            SECTION 2. An attorney who is on the list maintained by a  
4 court as being qualified for appointment as an attorney ad litem for  
5 a child in a child protection case on the effective date of this Act  
6 shall complete the training required by Section 107.004(b-1)(2),  
7 Family Code, as added by this Act, not later than September 1, 2022.

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