

By: West

S.B. No. 1897

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of attorneys ad litem for children in
3 the managing conservatorship of this state and funding those
4 attorneys ad litem through an instant-ticket lottery.

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 temporary managing conservator
14 may provide for the continuation of the appointment of the guardian
15 ad litem for the child for any period during the time the child
16 remains in the conservatorship of the department, as set by the
17 court;

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

23 (3) an attorney appointed under this subchapter to
24 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. Subchapter B, Chapter 403, Government Code, is
10 amended by adding Section 403.0123 to read as follows:

11 Sec. 403.0123. CHILDREN'S JUSTICE FUND. (a) In this
12 section, "fund" means the children's justice fund.

13 (b) The children's justice fund is created as a special fund
14 in the state treasury outside the general revenue fund.

15 (c) Notwithstanding any other law and except as otherwise
16 provided by federal law, the Texas Lottery Commission on receipt of
17 money from the children's justice instant-ticket lottery game
18 conducted under Section 466.029 shall deposit the money to the
19 credit of the fund in accordance with Section 466.355 and account
20 for that money as the comptroller determines necessary.

21 (d) Other money may be deposited to the credit of the fund as
22 appropriated by the legislature, as required by federal law, or as
23 necessary to account for money related to the instant-ticket
24 lottery game conducted under Section 466.029. Money deposited to
25 the credit of the fund may only be used for the purpose identified
26 under Section 466.029. This section does not affect the authority
27 of the comptroller to establish and use accounts necessary to

1 manage and account for revenues and expenditures.

2 (e) Interest earned on money deposited to the credit of the
3 fund is exempt from Section 404.071. Interest earned on money in
4 the fund shall be retained in the fund.

5 (f) The comptroller shall issue guidelines regarding the
6 implementation of this section consistent with guidelines and
7 provisions for attorneys ad litem in the Family First Prevention
8 Services Act (Title VII, Div. E, Pub. L. No. 115-123).

9 (g) The Texas Lottery Commission may solicit, accept, or
10 refuse a gift or grant of money, services, or property for any
11 purpose related to the fund. A gift or grant to the fund may be
12 appropriated in the same manner as other money in the fund, subject
13 to any limitation or requirement placed on the gift or grant by the
14 donor or granting entity.

15 SECTION 3. Subchapter B, Chapter 466, Government Code, is
16 amended by adding Section 466.029 to read as follows:

17 Sec. 466.029. CHILDREN'S JUSTICE GAME. (a) The commission
18 shall operate an instant-ticket lottery game to benefit the
19 children's justice fund established under Section 403.0123 for the
20 purpose of assisting counties in financing attorneys ad litem
21 appointed for children in the permanent managing conservatorship of
22 this state.

23 (b) The commission shall:

24 (1) determine the ticket price, payout amounts, and
25 manner in which the game is conducted;

26 (2) make tickets to the game available for sale
27 continuously to the extent practicable; and

1 (3) change the design or theme of the game regularly to
2 ensure that the game remains competitive with other instant-ticket
3 lottery games offered by the commission.

4 (c) The commission shall market and advertise the lottery
5 game operated under this section in a manner intended to inform the
6 public that the game tickets are available for purchase and that the
7 game proceeds are used to assist counties in financing attorneys ad
8 litem appointed for children in the permanent managing
9 conservatorship of this state. The game tickets must clearly state
10 that the game proceeds are used to benefit those children.

11 (d) The commission shall encourage each sales agent that
12 sells tickets to instant-ticket games or similar types of lottery
13 games to sell tickets to the game operated under this section.

14 SECTION 4. Section 466.355(b), Government Code, is amended
15 to read as follows:

16 (b) Money in the state lottery account may be used only for
17 the following purposes and shall be distributed as follows:

18 (1) the payment of prizes to the holders of winning
19 tickets;

20 (2) the payment of costs incurred in the operation and
21 administration of the lottery, including any fees received by a
22 lottery operator, provided that the costs incurred in a fiscal
23 biennium may not exceed an amount equal to 12 percent of the gross
24 revenue accruing from the sale of tickets in that biennium;

25 (3) the establishment of a pooled bond fund, lottery
26 prize reserve fund, unclaimed prize fund, and prize payment
27 account; and

1 (4) the balance, after creation of a reserve
2 sufficient to pay the amounts needed or estimated to be needed under
3 Subdivisions (1) through (3), to be transferred on or before the
4 15th day of each month as follows:

5 (A) the portion of the balance attributable to
6 the lottery game operated under Section 466.027 to the fund for
7 veterans' assistance established by Section 434.017; [~~and~~]

8 (B) the portion of the balance attributable to
9 the lottery game operated under Section 466.029 to the children's
10 justice fund established by Section 403.0123; and

11 (C) the remainder to the foundation school fund.

12 SECTION 5. (a) Section 466.355, Government Code, as
13 amended by this Act, applies only to a transfer from the state
14 lottery account made on or after the effective date of this Act.

15 (b) The Texas Lottery Commission shall establish and begin
16 selling tickets to the lottery game as required by Section 466.029,
17 Government Code, as added by this Act, not later than March 2, 2022.

18 SECTION 6. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2021.