

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 26 2021

Lately Spaw
Secretary of the Senate

By: Powell

H.B. No. 1315

Substitute the following for H.B. No. 1315 :

By: Charles Perry

C.S.H.B. No. 1315

A BILL TO BE ENTITLED

AN ACT

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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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1315 by Johnson, Jarvis (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.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Family Code to mandate continuation of the appointment of attorney ad litem, guardian ad litem, or the attorney ad litem appointed in the dual role for a child, and would allow for the appointment of both the attorney ad litem and the guardian ad litem for as long as the child remains in the conservatorship of the Department of Family and Protective Services (DFPS).

Local Government Impact

DFPS assumes potential costs to local government entities associated with continuation of an appointment of attorney ad litem for the entirety of a child's stay in the department's custody.

Source Agencies: 530 Family & Protective Services

LBB Staff: JMc, SD, AKI, JLI, AN, DKN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 22, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1315 by Johnson, Jarvis (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.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Family Code to mandate continuation of the appointment of attorney ad litem, guardian ad litem, or the attorney ad litem appointed in the dual role for a child, and would allow for the appointment of both the attorney ad litem and the guardian ad litem for as long as the child remains in the conservatorship of the Department of Family and Protective Services (DFPS).

Local Government Impact

DFPS assumes potential costs to local government entities associated with continuation of an appointment of attorney ad litem for the entirety of a child's stay in the department's custody.

Source Agencies: 530 Family & Protective Services

LBB Staff: JMc, AKI, JLI, AN, DKN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 17, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1315 by Johnson, Jarvis (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.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Family Code to mandate continuation of the appointment of attorney ad litem, guardian ad litem, and the attorney ad litem appointed in the dual role for a child, for as long as the child remains in the conservatorship of the Department of Family and Protective Services (DFPS).

Local Government Impact

DFPS assumes potential costs to local government entities associated with continuation of an appointment of attorney ad litem for the entirety of a child's stay in the department's custody.

Source Agencies: 530 Family & Protective Services

LBB Staff: JMc, AKI, JLI, AN, DKN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 28, 2021

TO: Honorable Victoria Neave, Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1315 by Johnson, Jarvis (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.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Family Code to mandate continuation of the appointment of attorney ad litem, guardian ad litem, or attorney ad litem appointed in the dual role for a child, for as long as the child remains in the conservatorship of the Department of Family and Protective Services (DFPS).

Local Government Impact

DFPS assumes potential costs to local government entities associated with continuation of an appointment of attorney ad litem for the entirety of a child's stay in the department's custody.

Source Agencies: 530 Family & Protective Services

LBB Staff: JMc, DKN, JLI, AN