

## **BILL ANALYSIS**

C.S.S.B. 66  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law allows supporters of an adult with a disability to provide certain services to the individual under a supportive decision-making agreement. However, current law does not provide for assistance with such an individual's involvement in a criminal or civil court proceeding. The bill sponsor has informed the committee that this can be highly problematic because the consequences of decisions the party may make during a court case can be significant. C.S.S.B. 66 seeks to identify solutions to this issue by directing the Office of Court Administration of the Texas Judicial System to conduct a study on the legal and ethical implications of authorizing a supporter under a supported decision-making agreement to assist an adult with a disability with legal proceedings in which they are involved.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 66 requires the Office of Court Administration of the Texas Judicial System (OCA) to conduct a study on the legal and ethical implications of authorizing a supporter under a supported decision-making agreement to assist an adult with a disability with legal proceedings in which the adult is involved. The bill defines "adult," "disability," "supported decision-making agreement," and "supporter" by reference to the Supported Decision-Making Agreement Act and requires the study to do the following:

- examine the effect of the supporter's involvement in civil or criminal legal proceedings on attorney-client privilege and confidentiality, including whether the presence of a supporter during legal consultations results in a waiver of privilege or other protection granted under law;
- identify provisions of the Estates Code and other relevant laws that may require amendment to provide for the adult's effective legal support while preserving protected communications and ethical legal representation;
- evaluate best practices from other jurisdictions that balance autonomy of adults with disabilities and access to justice with confidentiality safeguards; and
- include recommendations for statutory changes that OCA determines are appropriate based on the results of the study.

C.S.S.B. 66 authorizes OCA, in conducting the study, to consult with the following entities:

- Disability Rights Texas;

- relevant sections of the State Bar of Texas, including sections specializing in probate, legal ethics, and disability law;
- legal aid organizations and public defenders;
- members of the judiciary; and
- other stakeholders with experience in supported decision-making agreements, legal ethics, or disability rights.

The bill requires OCA, not later than December 1, 2026, to submit a report on its findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and house of representatives.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 66 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes provisions absent from the engrossed relating to the requirement for OCA to conduct a study on the legal and ethical implications of authorizing a supporter under a supported decision-making agreement to assist an adult with a disability with legal proceedings in which the adult is involved.

The substitute omits the provisions of the engrossed amending the Estates Code to do the following:

- include legal records among the records from which a supporter may assist an adult under a supported decision-making agreement in accessing, collecting, and obtaining information that is relevant to a given life decision;
- revise the contents of the form prescribed in law for a supported decision-making agreement by doing the following:
  - including language that a person's supporter may help the person with everyday life decisions relating to legal proceedings in which the person is involved, including civil and criminal proceedings; and
  - including language that the person's supporter may help the person access, collect, or obtain legal records relevant to a decision; and
- make the bill applicable to a supported decision-making agreement entered into on or after the bill's effective date.