

## **BILL ANALYSIS**

S.B. 2501  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill sponsor has informed the committee that currently, indigent persons in family court are appointed an attorney from a list of approved attorneys, limiting the person's choice in representation. S.B. 2501 seeks to give parents more control over their legal representation while maintaining fairness in attorney compensation and ensuring quality representation.

### **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 rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in SECTION 2 of this bill.

### **ANALYSIS**

S.B. 2501 amends the Family Code to authorize a parent who the court has determined is indigent for the purposes of mandatory appointment of an attorney ad litem to select an attorney to represent the parent in a child protection suit filed by a governmental entity in which termination of the parent-child relationship or the appointment of a conservator for a child is requested. The attorney selected by the parent must:

- be licensed to practice law in Texas;
- be in good standing with the State Bar of Texas; and
- meet the applicable continuing education requirements under state law for attorneys ad litem for parents.

The selection of an attorney ad litem by an indigent parent is independent of any appointment system implemented by the court, including the rotation system for the appointment of certain attorneys and guardians used by the court under state law. The bill prohibits the court from taking any action that influences, directs, or interferes with the selection of an attorney by the indigent parent.

S.B. 2501 requires an attorney ad litem selected by an indigent parent under the bill's provisions to serve as the parent's counsel of record upon filing with the court a notice of appearance and, if the parent is represented by other counsel, a motion to substitute counsel with the court. The filing of the notice and, if applicable, the motion is a ministerial act and expressly does not require the approval of the court. The bill requires the court's review of the notice and motion to be limited to confirming the attorney meets the eligibility requirements under the bill's provisions. Upon confirming that the attorney selected meets those requirements, the bill requires the court to grant an attorney's motion to substitute counsel, if applicable, and to terminate the appointment of any previously appointed attorney ad litem for the parent. The bill prohibits a court from doing the following:

- denying or delaying approval of a motion to substitute counsel except to confirm that the attorney meets the eligibility requirements; or
- imposing any additional eligibility requirements on the attorney other than those prescribed under the bill's provisions.

S.B. 2501 establishes that an attorney ad litem selected by an indigent parent under the bill's provisions:

- has the powers and duties prescribed under state law for an attorney ad litem appointed by a court for a parent or an alleged father, as applicable, in a child protection suit filed by a government entity in which termination of the parent-child relationship or the appointment of a conservator for a child is requested; and
- is subject to disciplinary action as provided under state law for attorneys ad litem appointed by a court in such suits for parents or alleged fathers.

S.B. 2501 requires payment for services rendered by an attorney ad litem selected by an indigent parent under the bill's provisions, to be as follows:

- equal to the payments made to an attorney ad litem appointed by a court for an indigent parent in a child protection suit filed by a government entity in which termination of the parent-child relationship or the appointment of a conservator for a child is requested;
- made in accordance with existing payment procedures applicable to an attorney appointed by a court in such a suit to serve as attorney ad litem for an indigent parent; and
- paid from the general funds of the county.

S.B. 2501 prohibits a court from adopting or enforcing local rules that conflict with the bill's provisions, impose additional requirements on the selection of an attorney ad litem by an indigent parent, or otherwise interfere with the right of an indigent parent to select an attorney in an applicable child protection suit. Interference with the selection of an attorney ad litem for financial gain or favoritism is a violation of judicial ethics and may subject a judge to discipline under the Code of Judicial Conduct or prosecution under the penal laws of the state, including the offenses of bribery or a gift to a public servant by a person subject to his jurisdiction, as applicable. The bill's provisions relating to the selection of an attorney ad litem does expressly not limit the authority of a court to remove an attorney for good cause under applicable law. The bill authorizes the Office of Court Administration of the Texas Judicial System, as soon as practicable after the bill's effective date but not later than January 1, 2026, to adopt rules necessary to implement the bill's provisions relating to the selection of an attorney ad litem by an indigent parent.

S.B. 2501 applies only to a suit affecting the parent-child relationship that is filed on or after the bill's effective date. A suit affecting the parent-child relationship filed before the bill's effective date is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

### **EFFECTIVE DATE**

September 1, 2025.