

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2501
By: Zaffirini
Jurisprudence
4/23/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, indigent persons in family court are appointed an attorney from a list of approved attorneys. This limits person's choice in representation. S.B. 2501 would give indigent parents in child welfare cases filed by the Department of Family and Protective Services the right to choose their own attorney, provided the attorney is licensed and qualified. Selected attorneys would be compensated at the same rate as court-appointed attorneys in the county, ensuring consistent payment. S.B. 2501 gives parents more control over their legal representation while maintaining fairness in attorney compensation.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2501 amends current law relating to selection of an attorney by an indigent parent as attorney ad litem for the parent in certain suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in SECTION 2 (Section 107.01301, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 107.013(a) and (a-1), Family Code, as follows:

(a) Provides that, subject to Section 107.01301, in a suit filed by a governmental entity under Subtitle E (Protection of the Child) in which termination of the parent-child relationship or the appointment of a conservator for a child is requested, the court is required to appoint an attorney ad litem to represent the interests of certain individuals. Makes a nonsubstantive change.

(a-1) Provides that, in a suit described by Subsection (a), if a parent is not represented by an attorney at the parent's first appearance in court, the court is required to inform the parent of certain rights, including, if the parent is indigent and appears in opposition to the suit, the right to an attorney ad litem appointed by the court or an attorney selected by the parent and compensated by the county under Section 107.01301.

SECTION 2. Amends Subchapter B, Chapter 107, Family Code, by adding Section 107.01301, as follows:

Sec. 107.01301. SELECTION OF ATTORNEY AD LITEM BY INDIGENT PARENT.

(a) Authorizes a parent who the court has determined is indigent for the purposes of Section 107.013 (Mandatory Appointment of Attorney Ad Litem for Parent) to select an attorney to represent the parent in a suit described by Section 107.013(a).

(b) Requires an attorney selected by a parent under Subsection (a) to be licensed to practice law in this state, be in good standing with the State Bar of Texas, and meet the applicable continuing education requirements of Section 107.0131.

(c) Provides that the selection of an attorney by a parent under Subsection (a) is independent of any appointment system implemented by the court, including the rotation system described by Section 37.004 (Appointment of Attorneys Ad Litem, Guardians Ad Litem, Mediators, and Guardians; Maintenance of Lists), Government Code. Prohibits the court from taking any action that influences, directs, or interferes with the selection of an attorney by a parent under Subsection (a).

(d) Requires an attorney selected by a parent under Subsection (a) 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. Provides that the filing of the notice and, if applicable, the motion is a ministerial act and does not require the approval of the court. Requires that the court's review of a notice and motion filed under this subsection be limited to confirming the attorney meets the requirements of Subsection (b). Requires the court, upon confirming an attorney selected by a parent under Subsection (a) meets the requirements of Subsection (b), to grant attorney's motion to substitute counsel, if applicable, and terminate the appointment of any previously appointed attorney ad litem for the parent.

(e) Prohibits a court from denying or delaying approval of a motion under Subsection (d) except to confirm that the attorney meets the requirements of Subsection (b) or imposing any additional requirements on the attorney other than those described by Subsection (b).

(f) Provides that an attorney serving as attorney ad litem for a parent under this section has the powers and duties described by Section 107.0131 (Powers and Duties of Attorney Ad Litem for Parent) or 107.0132 (Powers and Duties of Attorney Ad Litem for Alleged Fathers), as applicable, and is subject to disciplinary action as provided by Section 107.0133 (Discipline of Attorney Ad Litem for Parent or Alleged Father).

(g) Requires that payments for services rendered by an attorney serving as attorney ad litem for a parent under this section be equal to the payments made to an attorney appointed under Section 107.013 to serve as attorney ad litem for an indigent parent, made in accordance with existing payment procedures applicable to an attorney appointed under Section 107.013 to serve as attorney ad litem for an indigent parent, and paid from the general funds of the county.

(h) Prohibits a court from adopting or enforcing local rules that conflict with this section, imposing additional requirements on the selection of an attorney under this section, or otherwise interfering with the right of a parent to select an attorney under Subsection (a). Provides that interference with the selection of an attorney by a parent under Subsection (a) 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 this state, including Section 36.02 (Bribery) or 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction), Penal Code, as applicable.

(i) Provides that this section does not limit the authority of a court to remove an attorney for good cause under applicable law.

(j) Authorizes the Office of Court Administration of the Texas Judicial System (OCA) to adopt rules necessary to implement this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Requires OCA, as soon as practicable after the effective date of this Act but not later than January 1, 2026, to adopt rules necessary to implement Section 107.01301, Family Code, as added by this Act.

SECTION 5. Effective date: September 1, 2025.