

By: Dutton

H.B. No. 2353

A BILL TO BE ENTITLED

AN ACT

relating to compensation for an attorney ad litem appointed in a suit affecting the parent-child relationship filed by a governmental entity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 107.015, Family Code, is amended to read as follows:

Sec. 107.015. ATTORNEY FEES. (a) An attorney appointed under this chapter to serve as an attorney ad litem for a child, an attorney in the dual role, or an attorney ad litem for a parent in a suit filed by a governmental entity is entitled to reasonable fees and expenses in the amount set by the court, subject to Subsection (e), to be paid by the parents of the child unless the parents are indigent.

(b) If the court determines that one or more of the parties are able to defray the fees and expenses of an attorney ad litem [~~or guardian ad litem~~] for the child or attorney in the dual role as determined by the reasonable and customary fees for similar services in the county of jurisdiction or under Subsection (e), as applicable, the fees and expenses may be ordered paid by one or more of those parties, or the court may order one or more of those parties, prior to final hearing, to pay the sums into the registry of the court or into an account authorized by the court for the use and benefit of the payee on order of the court. The sums may be

1 taxed as costs to be assessed against one or more of the parties.

2 (c) If indigency of the parents is shown, an attorney ad
3 litem appointed to represent a child, an attorney appointed in a
4 dual role, or an attorney ad litem appointed to represent a parent
5 in a suit filed by a governmental entity shall be paid from the
6 general funds of the county according to the fee schedule that
7 applies to an attorney appointed to represent a child in a suit
8 under Title 3 as provided by Chapter 51 or according to Subsection
9 (e), as applicable. The court may not award attorney ad litem fees
10 under this chapter against the state, a state agency, or a political
11 subdivision of the state except as provided by this subsection.

12 (d) A person appointed as an [~~a guardian ad litem or~~]
13 attorney ad litem for a child, an attorney in a dual role, or an
14 attorney ad litem for a parent in a suit filed by a governmental
15 entity shall complete and submit to the court a voucher or claim for
16 payment that lists the fees charged and hours worked by the
17 [~~guardian ad litem or~~] attorney [~~ad litem~~]. Information submitted
18 under this section is subject to disclosure under Chapter 552,
19 Government Code. A court in a county with a population of three
20 million or more may not modify a voucher or claim for payment
21 submitted by an attorney under this subsection to reduce the
22 payment to the attorney.

23 (e) In a county with a population of three million or more, a
24 court shall set the hourly rate for an attorney ad litem appointed
25 to represent a child, an attorney appointed in a dual role, or an
26 attorney ad litem appointed to represent a parent at a minimum of
27 \$250 per hour for time spent in court making an appearance on behalf

1 of the parent or child and reasonable and necessary time spent out
2 of court on the case.

3 SECTION 2. The change in law made by this Act applies to a
4 suit affecting the parent-child relationship that is pending in a
5 trial court on the effective date of this Act or that is filed on or
6 after the effective date of this Act.

7 SECTION 3. This Act takes effect September 1, 2025.