

By: Moody

H.B. No. 4890

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of attorneys ad litem and the compensation of certain attorneys ad litem in suits affecting the parent-child relationship filed by a governmental entity.

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

SECTION 1. Section 107.012, Family Code, is amended to read as follows:

Sec. 107.012. MANDATORY APPOINTMENT OF ATTORNEY AD LITEM FOR CHILD. In a suit filed by a governmental entity under Subtitle E [~~requesting termination of the parent-child relationship or to be named conservator of a child~~], the court shall appoint an attorney ad litem to represent the interests of the child immediately after the filing, but before the full adversary hearing, to ensure adequate representation of the child.

SECTION 2. Section 107.013(a), Family Code, is amended to read as follows:

(a) In a suit filed by a governmental entity under Subtitle E [~~in which termination of the parent-child relationship or the appointment of a conservator for a child is requested~~], the court shall appoint an attorney ad litem to represent the interests of:

(1) an indigent parent of the child who responds in opposition to the termination or appointment;

(2) a parent served by citation by publication;

(3) an alleged father who failed to register with the

1 registry under Chapter 160 and whose identity or location is  
2 unknown; and

3 (4) an alleged father who registered with the  
4 paternity registry under Chapter 160, but the petitioner's attempt  
5 to personally serve citation at the address provided to the  
6 registry and at any other address for the alleged father known by  
7 the petitioner has been unsuccessful.

8 SECTION 3. Section 107.015, Family Code, is amended by  
9 amending Subsection (c) and adding Subsections (e) and (f) to read  
10 as follows:

11 (c) If indigency of the parents is shown, an attorney ad  
12 litem appointed to represent a child or parent in a suit filed by a  
13 governmental entity under Subtitle E who is not an employee of an  
14 office of child representation, office of parent representation, or  
15 other entity that uses public money to provide legal representation  
16 to children or parents in a suit filed by a governmental entity  
17 under Subtitle E shall be paid from the general funds of the county  
18 according to the fee schedule adopted under Section 107.0155 ~~[that~~  
19 ~~applies to an attorney appointed to represent a child in a suit~~  
20 ~~under Title 3 as provided by Chapter 51]~~. The court may not award  
21 attorney ad litem fees under this chapter against the state, a state  
22 agency, or a political subdivision of the state except as provided  
23 by this subsection.

24 (e) A court may remove a person from the list maintained by  
25 the court of persons qualified for appointment as attorney or  
26 guardian ad litem if, after notice and a hearing, the court  
27 determines the person submitted a voucher or claim for payment

1 under Subsection (d) for services the person did not perform.

2 (f) A person whose voucher or claim for payment under  
3 Subsection (d) was denied or modified by the court or has not been  
4 approved by the court by the 60th day after the date the voucher or  
5 claim for payment was submitted may file a petition addressed to the  
6 presiding judge of the administrative judicial region to compel  
7 payment or to appeal the denial or modification of the payment. The  
8 presiding judge of the administrative judicial region shall review  
9 the petition for payment filed under this section, determine the  
10 amount due to the petitioner, and order the commissioners court to  
11 pay that amount not later than the 45th day after the date a  
12 petition is filed under this subsection. The presiding judge of the  
13 administrative judicial region may hold a hearing in a proceeding  
14 described by this subsection.

15 SECTION 4. Part 1, Subchapter B, Chapter 107, Family Code,  
16 is amended by adding Section 107.0155 to read as follows:

17 Sec. 107.0155. FEE SCHEDULE FOR CERTAIN ATTORNEYS AD LITEM.

18 (a) Each court in a county hearing suits filed by a governmental  
19 entity under Subtitle E shall jointly develop, adopt, and submit to  
20 the commissioners court of the county a fee schedule for the  
21 compensation of an attorney ad litem described by Section  
22 107.015(c) that includes:

23 (1) payments for:

24 (A) time spent in court making an appearance on  
25 behalf of the parent or child in the case, including in an appellate  
26 court; and

27 (B) reasonable and necessary time spent out of

1 court on the case, including in the preparation of an appeal; and

2 (2) reimbursement for reasonable and necessary  
3 expenses.

4 (b) A fee schedule adopted under Subsection (a) must:

5 (1) describe with specificity services and expenses  
6 eligible for payment or reimbursement;

7 (2) include an hourly or fixed payment rate based on:

8 (A) reasonable and necessary time spent on a  
9 case;

10 (B) reasonable and necessary overhead costs  
11 associated with a case; and

12 (C) the availability of qualified attorneys  
13 willing to serve at the rate; and

14 (3) include a form for the itemization of services and  
15 expenses for a claim for payment under Section 107.015(d).

16 SECTION 5. Section 107.252, Family Code, is amended to read  
17 as follows:

18 Sec. 107.252. APPLICABILITY. This subchapter applies to a  
19 suit filed by a governmental entity [~~seeking termination of the~~  
20 ~~parent-child relationship or the appointment of a conservator for a~~  
21 ~~child~~] in which appointment of an attorney is required under  
22 Section 107.012 or 107.013.

23 SECTION 6. Section 107.254, Family Code, is amended to read  
24 as follows:

25 Sec. 107.254. OFFICE OF CHILD REPRESENTATION. An office of  
26 child representation is an entity that uses public money to provide  
27 legal representation and services for a child in a suit filed by a

1 governmental entity [~~seeking termination of the parent-child~~  
2 ~~relationship or the appointment of a conservator for the child~~] in  
3 which appointment is mandatory for a child under Section 107.012.

4 SECTION 7. Section 107.255, Family Code, is amended to read  
5 as follows:

6 Sec. 107.255. OFFICE OF PARENT REPRESENTATION. An office  
7 of parent representation is an entity that uses public money to  
8 provide legal representation and services for a parent in a suit  
9 filed by a governmental entity [~~seeking termination of the~~  
10 ~~parent-child relationship or the appointment of a conservator for a~~  
11 ~~child~~] in which appointment is mandatory for a parent under Section  
12 107.013.

13 SECTION 8. Section 107.260(a), Family Code, is amended to  
14 read as follows:

15 (a) If there is an office of child representation or office  
16 of parent representation serving a county, a court in that county  
17 shall appoint for a child or parent, as applicable, an attorney from  
18 the office in a suit filed in the county by a governmental entity in  
19 which appointment of an attorney is required under Section 107.012  
20 or 107.013 [~~seeking termination of the parent-child relationship or~~  
21 ~~the appointment of a conservator for the child~~], unless there is a  
22 conflict of interest or other reason to appoint a different  
23 attorney from the list maintained by the court of attorneys  
24 qualified for appointment under Section 107.012 or 107.013.

25 SECTION 9. Section 107.302(a), Family Code, is amended to  
26 read as follows:

27 (a) A managed assigned counsel program may be operated with

1 public money for the purpose of appointing counsel to provide legal  
2 representation and services for a child or parent in a suit filed by  
3 a governmental entity [~~seeking termination of the parent-child~~  
4 ~~relationship or the appointment of a conservator for the child~~] in  
5 which appointment is mandatory for a child under Section 107.012 or  
6 for a parent under Section 107.013.

7 SECTION 10. Section 107.307(a), Family Code, is amended to  
8 read as follows:

9 (a) The judge of a county served by a program shall make any  
10 appointment required under Section 107.012 or 107.013 in a suit  
11 filed in the county by a governmental entity [~~seeking termination~~  
12 ~~of the parent-child relationship or the appointment of a~~  
13 ~~conservator for the child~~] from the program's public appointment  
14 list, unless there is a conflict of interest or other reason to  
15 appoint a different attorney from the list maintained by the court  
16 of attorneys qualified for appointment under Section 107.012 or  
17 107.013.

18 SECTION 11. Sections 107.012, 107.013(a), 107.252,  
19 107.254, 107.255, 107.260(a), 107.302(a), and 107.307(a), Family  
20 Code, as amended by this Act, apply only to a suit affecting the  
21 parent-child relationship filed by a governmental entity on or  
22 after the effective date of this Act.

23 SECTION 12. (a) Not later than January 1, 2026, the courts  
24 in each county hearing suits filed by a governmental entity under  
25 Subtitle E, Title 5, Family Code, shall adopt the fee schedule  
26 required by Section 107.0155, Family Code, as added by this Act.

27 (b) Section 107.015(c), Family Code, as amended by this Act,

H.B. No. 4890

1 and Section 107.0155, Family Code, as added by this Act, apply only  
2 to an attorney ad litem appointed on or after January 1, 2026.

3 SECTION 13. This Act takes effect September 1, 2025.