By: Zaffirini S.B. No. 417

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 107.013(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 registry under Chapter 160 and whose identity or location is unknown; and

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

SECTION 2. Section 107.015, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f)

to read as follows:

(a) An attorney appointed under this chapter or Subtitle E to serve as an attorney ad litem for a child, an attorney in the dual role, or an attorney ad litem for a parent is entitled to reasonable fees and expenses in the amount set by the court to be paid by the parents of the child unless the parents are indigent.

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

(e) A court may remove a person from the list maintained by the court of persons qualified for appointment as attorney or guardian ad litem if, after notice and a hearing, the court determines the person submitted a voucher or claim for payment under Subsection (d) for services the person did not perform.

(f) A person whose voucher or claim for payment under Subsection (d) was denied or modified by the court or has not been approved by the court by the 60th day after the date the voucher or claim for payment was submitted may file a petition addressed to the

presiding judge of the administrative judicial region to compel payment or to appeal the denial or modification of the payment. The presiding judge of the administrative judicial region shall review the petition for payment filed under this section, determine the amount due to the petitioner, and order the commissioners court to pay that amount not later than the 45th day after the date a petition is filed under this subsection. The presiding judge of the administrative judicial region may hold a hearing in a proceeding described by this subsection.

SECTION 3. Part 1, Subchapter B, Chapter 107, Family Code, is amended by adding Section 107.0155 to read as follows:

Sec. 107.0155. FEE SCHEDULE FOR CERTAIN ATTORNEYS AD LITEM. (a) Each court in a county hearing suits filed by a governmental entity shall jointly develop, adopt, and submit to the commissioners court of the county a fee schedule for the compensation of an attorney ad litem described by Section 107.015(c) that includes:

(1) payments for:

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

(B) reasonable and necessary time spent out of court on the case, including in the preparation of an appeal; and

(2) reimbursement for reasonable and necessary expenses, including:

(A) mileage and other case-related travel expenses; and

(B) costs for expert witnesses.

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

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

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

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

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

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

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

SECTION 4. (a) Not later than January 1, 2028, the courts in each county hearing suits filed by a governmental entity in which appointment of an attorney ad litem is required under Chapter 107 or Subtitle E, Title 5, Family Code, shall adopt the fee schedule required by Section 107.0155, Family Code, as added by this Act.

(b) Section 107.015(c), Family Code, as amended by this Act, and Section 107.0155, Family Code, as added by this Act, apply only to an attorney ad litem appointed on or after January 1, 2028.

SECTION 5. This Act takes effect September 1, 2027.