

BILL ANALYSIS

H.B. 1171
By: Sanford
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, a pregnant minor is required to notify and obtain the consent of her parents before an elective abortion. However, state law allows minors who do not wish to involve their parents the opportunity to ask a judge for an exception from this requirement. This judicial bypass provides a mechanism by which parents are not informed about their underage daughter's pregnancy, the existence of their grandchild, and any subsequent abortion. Concerns have been raised regarding the representation of the unborn child in each judicial bypass case. Providing representation for the unborn child will prompt further analysis into whether state law should be followed and the child's maternal grandparents consulted. H.B. 1171 seeks to provide a voice in the courtroom for an unborn child by authorizing a court to appoint an attorney ad litem or guardian ad litem to advocate for the unborn child's interests under certain circumstances.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1171 amends the Family Code to authorize a court to appoint an attorney ad litem or guardian ad litem to represent an unborn child during a proceeding for judicial approval authorizing a minor to consent to the performance of an abortion without notification to and consent of a parent, managing conservator, or guardian. The bill requires the attorney general to develop and maintain a registry listing the name of, and contact information for, qualified attorneys ad litem and individuals qualified to serve as guardians ad litem who voluntarily notify the attorney general of their willingness to serve, or who on request of the attorney general consent to serve, as attorneys ad litem or guardians ad litem, as applicable, for an unborn child. The bill grants such an attorney ad litem or guardian ad litem certain rights and privileges afforded to attorneys ad litem and guardians ad litem appointed for the minor with respect to access to court documents, immunity from liability for damages, and pay.

EFFECTIVE DATE

September 1, 2021.