

- SUBJECT:** Requiring legal representation for certain foster care youth
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut, Wu
0 nays
- WITNESSES:** For — Kerrie Judice, Tex Protects; Gabriella McDonald, Texas Appleseed; Julia Hatcher, Texas Association of Family Defense Attorneys; Sarah Crockett, Texas CASA; (*Registered, but did not testify:* Maggie Luna, Statewide Leadership Council; Molly Weiner, United Ways of Texas; Knox Kimberly, Upbring; Michele Nigliazzo; Cecilia Wood)

Against — None

On — Jimmy Vaughn; (*Registered, but did not testify:* Carol Self, Department of Family and Protective Services)
- BACKGROUND:** Under Family Code sec. 107.016 governing continued representation for a child under the conservatorship of the Department of Family and Protective Services, an order appointing the department as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem for the child for any period during the time the child remains in the conservatorship.
- DIGEST:** HB 1315 would require an order appointing the Department of Family and Protective Services (DFPS) as a child's managing conservator to provide for the continuation of the appointment of the guardian ad litem or attorney ad litem for the child, or an attorney appointed to serve in the dual role, for the duration of the child's time in DFPS conservatorship.

The bill would take effect September 1, 2021, and would apply to a suit affecting the parent-child relationship filed before, on, or after the effective date.

SUPPORTERS
SAY: HB 1315 would improve outcomes for children in long-term foster care by requiring the child be represented by a guardian ad litem or attorney ad litem for as long as they are in conservatorship.

Current family law does not require children in long-term foster care, also known as permanent managing conservatorship (PMC), to have a legal advocate by their side when they appear in court. As a result, children in PMC often are left to face the unfamiliar courtroom environment alone.

Hearings can be confusing and stressful for children. A study of foster youth involved in the court system showed they experienced PTSD at rates similar to war veterans. By contrast, children who had representation were more likely to get timely hearings, be engaged in court proceedings, and had better outcomes than those who did not. After enacting a policy requiring legal representation for foster youth, one Texas county saw a 57 percent reduction of children in PMC, compared to a 15 percent reduction statewide. The children also experienced higher rates of reunification with their families and legal guardianship.

HB 1315 would improve outcomes for the more than 24,000 children currently under PMC in Texas by ensuring they had legal representation for as long as they are in the foster care system.

CRITICS
SAY: No concerns identified.