BILL ANALYSIS

Senate Research Center

H.B. 2526
By: Williams (Ogden)
Jurisprudence
6-25-97
Enrolled

DIGEST

The Family Code established both discretionary and mandatory duties of an attorney ad litem appointed by the court to represent a child in a suit affecting the parent-child relationship. However, concern exists regarding the quality of representation that a child, who is incapable of evaluating the attorney ad litem's services, receives from the attorney ad litem. This bill will require an attorney ad litem to take certain actions in cases affecting the parent-child relationship. These actions are currently at the discretion of the attorney ad litem. This bill also requires an attorney ad litem to interview all parties to the suit.

PURPOSE

As enrolled, H.B. 2526 provides regulations regarding the duties of an attorney ad litem in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 107.014, Family Code, to require, rather than authorize, an attorney ad litem appointed under this subchapter to represent a child to investigate to the extent the attorney ad litem considers appropriate to determine the facts of the case and to obtain and review all copies of all of the child's relevant medical, psychological, and school records. Requires an attorney ad litem appointed to represent a child to interview all parties to the suit within a reasonable time after the appointment. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.