

## **BILL ANALYSIS**

Senate Research Center

S.B. 1525  
By: Lucio  
Jurisprudence  
4-17-97  
As Filed

### **DIGEST**

Currently, there are no state regulations regarding the appointment of a guardian ad litem in certain civil actions. This bill will provide a fair and equitable manner by which to appoint guardian ad litem and attorney ad litem in civil actions involving personal injury or wrongful death claims. This bill will provide procedures relating to the appointment of a guardian ad litem in certain civil actions.

### **PURPOSE**

As proposed, S.B. 1525 provides procedures relating to the appointment of a guardian ad litem in certain civil actions.

### **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 Title 6, Civil Practice and Remedies Code, by adding Chapter 144, as follows:

#### CHAPTER 144. GUARDIAN AD LITEM APPOINTMENTS IN CERTAIN MATTERS

Sec. 144.001. APPOINTMENT OF GUARDIAN AD LITEM IN CERTAIN CIVIL ACTIONS. Requires the district clerk, notwithstanding any other law, to appoint a guardian ad litem to represent the interests of each minor in an action for personal injury or wrongful death instituted in a district court of the county. Sets forth procedures for appointing an attorney or nonprofit corporation as guardian ad litem. Provides that to the extent any conflict between this section and Rule 173, Texas Rules of Civil Procedure, this section controls. Prohibits the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with this section.

Sec. 144.002. CERTIFICATION OF CERTAIN NONPROFIT CORPORATION FOR APPOINTMENT AS GUARDIAN AD LITEM. Requires a district clerk of a county to approve and certify a legal services corporation to be appointed as a guardian ad litem under Section 144.001 on application by the corporation and presentation to the district clerk of satisfactory proof that the corporation meets certain criteria.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.