

## **BILL ANALYSIS**

H.B. 723  
By: King, Phil  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties point out that a minor who wishes to circumvent parental involvement in her decision to have an abortion may seek judicial approval for the abortion, known by some as judicial bypass, and must be represented in court by an attorney and a guardian ad litem. The parties further note that the attorney is also allowed to act as a minor's guardian ad litem, a person who is appointed by the court to look out for the best interest of the minor. The interested parties contend that it is a potential conflict of interest for the attorney, who the parties say may be paid by an abortion provider, to also act as the guardian ad litem. H.B. 723 seeks to address this issue and other related issues regarding certain court determinations.

### **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. 723 amends the Family Code to prohibit a court in which an application for a court order authorizing a minor to consent to an abortion is filed from appointing a guardian ad litem appointed for the minor to serve as the minor's attorney or from appointing the minor's attorney to be the guardian ad litem for the minor. The bill changes the determinations the court must make, by a preponderance of the evidence, before entering such a court order from whether the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor to all three such determinations, inclusively.

### **EFFECTIVE DATE**

September 1, 2015.