

BILL ANALYSIS

H.B. 1315
By: Johnson, Jarvis
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As recently as 2015, almost half of the thousands of children under conservatorship of the state were in permanent managing conservatorship (PMC), which often spans several years. Although current law does not require that a child in PMC have representation in court, either through a guardian ad litem or an attorney ad litem, legal representation is a key strategy in reducing the length of stay in foster care, as evidenced by research from the National Conference of State Legislatures and practices implemented by Travis County. H.B. 1315 seeks to address this issue by requiring the appointment of an attorney ad litem or a guardian ad litem for the duration of a child's time in the state foster care system.

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. 1315 amends the Family Code to replace the authorization for 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 for the child with a requirement for the order to provide for the continuation of the appointment of the guardian ad litem, attorney ad litem, or an attorney appointed to serve in the dual role for as long as the child remains in the conservatorship of DFPS. These provisions apply to a suit affecting the parent-child relationship filed before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.