

- SUBJECT:** Revising court-ordered representation in child custody suits
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 8 ayes — Hupp, Eissler, A. Allen, Gonzalez Toureilles, Goodman, Naishtat, Paxton, Reyna
- 0 nays
- 1 absent — J. Davis
- WITNESSES:** For — Debra Lehrmann; Heidi Bruegel Cox; (*Registered, but did not testify*: Cecelia Burke, Travis County Domestic Relations Office)
- Against — None
- On — John Sampson; (*Registered, but did not testify*: Elizabeth Kromrei, Department of Family and Protective Services)
- BACKGROUND:** Family Code, ch. 107, governs appointments of guardians ad litem and attorneys ad litem, representatives of a child's interests in certain legal matters. These appointments are made in two types of cases — in suits filed by a governmental entity, which is the Department of Family and Protective Services (DFPS), Child Protective Services division, and in private custody suits.
- In 2003, the 78th Legislature enacted HB 1815 by Goodman, which clarified the roles of attorneys and volunteer advocates appointed by the court to represent children in DFPS and private custody cases. It largely preserved current law regarding court appointments in DFPS cases but made substantive changes regarding court appointments in private custody cases. It also reorganized the Family Code to separate the rules for private custody cases from the rules for DFPS cases.
- DIGEST:** CSHB 307 would permit an attorney ad litem representing the interests of a child to present the attorney's own opinion and also would require the attorney to ensure presentation of the guardian ad litem's opinion. The bill also would make the court appointment of an amicus attorney or attorney ad litem optional in a private suit to terminate the parent-child relationship

if the court determined that the child's interests adequately would be represented by a party to the suit whose interests were not in conflict with the child's.

The bill also would amend the Family Code, ch. 107, to reconcile all parts of the code with the definitions and procedures established in HB 1815 enacted by the 78th Legislature.

The bill would take effect September 1, 2005, and would apply only to suits filed on or after that date.

**SUPPORTERS
SAY:**

The changes made in 2003 by HB 1815 were significant and comprehensive, but a few items were overlooked. Following the enactment of the new law, a group of family law experts convened to ensure that the Family Code accurately reflected the changes envisioned by the Legislature. The items in CSHB 307 would reconcile various parts of the code and make two changes to ensure that the best interests and expressed wishes of the child were represented in the process.

The bill would ensure that the attorney ad litem or amicus attorney could present an opinion along with that of the guardian ad litem. An attorney may have different knowledge or experience that the court should be aware of when deciding about a child's future.

CSHB 307 also would clarify that a child's interests must be represented appropriately and that the goal could be met in some cases by a representative for another party.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

In addition to making non-substantive changes, the committee substitute would permit a domestic relations officer to represent a child as a guardian ad litem, as is permitted now in statute.