

SUBJECT: Requiring certain attorneys to complete training on trauma-informed care

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 7 ayes — Dutton, Bowers, Calanni, Dean, Lopez, Shine, Talarico

0 nays

2 absent — Murr, Cyrier

WITNESSES: For — Doreen Sims, Stop Abuse Campaign; Patricia Hogue, Texas Lawyers For Children; Mary Christine Reed, Texas RioGrande Legal Aid; (*Registered, but did not testify:* Chris Masey, Coalition of Texans with Disabilities; Aaryce Hayes, Disability Rights Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Andrew Homer, Texas CASA; Jose Flores, Texas Criminal Justice Coalition)

Against — None

BACKGROUND: Family Code sec. 107.004 requires attorneys on the court-maintained list of qualified attorneys ad litem for children in child protection cases to complete at least three hours of continuing legal education relating to the representation of children each year.

Some have suggested that the Texas child welfare system should include more training on trauma-informed care.

DIGEST: HB 1916 would require an attorney who was on the court-maintained list of qualified attorneys ad litem for children in child protection cases to provide proof that the attorney had completed a training program on trauma-informed care and the effect of trauma on children in the conservatorship of the Department of Family and Protective Services. An attorney would have to complete such training before being appointed as an attorney ad litem for a child in a child protection case.

The training required by the bill would have to include information on:

- the impact of trauma on a child, including how trauma could affect a child's memories, behavior, and decision-making;
- attachment and how a lack of attachment could affect a child;
- how trauma-informed care and services could help a child build resiliency and overcome the effects of trauma and adverse childhood experiences;
- the importance of screening children for trauma and the risk of mislabeling and inappropriate treatment of children without proper screening, including increasing the use of psychotropic medications;
- the potential for re-traumatization of children in the conservatorship of the Department of Family and Protective Services; and
- the availability of research-supported, trauma-informed, non-pharmacological interventions and trauma-informed advocacy to increase a child's access to trauma-informed care and mental and behavioral health services.

The Texas Supreme Court would have to adopt rules to provide for this training by December 1, 2019. In adopting the rules, the court would be required to consult with the Texas Center for the Judiciary; the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families; and the Child Protection Law Section of the State Bar of Texas.

The bill also would require the state bar to count this training toward the bar's minimum continuing legal education requirements for the reporting year in which the training was completed.

The bill would take effect September 1, 2019, and would require that attorneys on the court-maintained list on that date complete the required training by September 1, 2020.