

BILL ANALYSIS

Senate Research Center
80R8727 KKA-D

H.B. 1972
By: Delisi et al. (Duncan)
Jurisprudence
4/27/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires, with some exceptions, that an in-person meeting must occur between the attorney ad litem assigned to a child and the person with whom the child ordinarily resides prior to a hearing in a child abuse custody case. According to a recent Texas attorney general opinion (GA-0406), this requirement is to be complied with in person in all cases and there is no flexibility for the judge to allow telephone or video conference meetings to occur. This lack of flexibility may create additional costs for county governments, especially in cases where foster care children are placed outside of the county by the Department of Family and Protective Services.

H.B. 1972 authorizes a court, with good cause, to permit the required meeting between the child and the attorney ad litem by telephone or video conference.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 107.004(e), Family Code, to authorize a court, on a showing of good cause, to authorize an attorney ad litem appointed under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child) or 263 (Review of Placement of Child Under Care of Department of Protective and Regulatory Services), Family Code, to comply with Subsection (d) (regarding requirements for the attorney ad litem to meet with the represented child or the person with whom the child ordinarily resides) by conferring with the child or other individual, as appropriate, by telephone or video conference.

SECTION 2. Effective date: upon passage or September 1, 2007.