

BILL ANALYSIS

Senate Research Center
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S.B. 1025
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 107.013 (Mandatory Appointment of Attorney Ad Litem for Parent), Family Code, requires a court to appoint an attorney ad litem to represent the interests of an indigent parent who opposes a suit for termination of parental rights. However, the law does not provide a timeframe within which the attorney must be appointed. In practice, attorneys are appointed at different times depending on which court is hearing the case, and the appointments often occur after there has been a hearing in the case. Also, indigent parents may not know that they have the right to have an attorney appointed to represent them.

S.B. 1025 requires an attorney to be appointed for indigent parents not later than the seventh day after a child is removed from his or her home. This bill also requires that any citation served on a parent in a suit described by Section 107.013, Family Code, include information regarding the appointment of an attorney and the procedure for the parent to assert a claim of indigence.

As proposed, S.B. 1025 amends current law relating to service of citation and appointment of an attorney ad litem for an indigent parent in certain suits affecting the parent-child relationship.

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 107.013, Family Code, by adding Subsections (c) and (e), as follows:

(c-1) Requires that any citation served on a parent of the child, in a suit described by Subsection (a) (relating to requiring appointing an attorney ad litem) or (c) (relating to appointing an attorney ad litem to represent the interests of an indigent parent of a child who responds in opposition to a suit), include information regarding:

- (1) the appointment of an attorney ad litem to represent an indigent parent as provided by this section; and
- (2) the procedure for the parent to assert a claim of indigence.

(e) Requires the court, not later than the seventh day before the date a court holds a hearing under Section 262.201, to:

- (1) evaluate any claim of indigence by a parent who responds in opposition to a suit described by Subsection (a) or (c); and
- (2) appoint an attorney ad litem to represent the parent if the court determines that the parent is indigent.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.