

BILL ANALYSIS

Senate Research Center

S.B. 822
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code, defines the terms “amicus attorney” and “attorney ad litem.” Amicus attorneys and attorneys ad litem are appointed to represent a child in an action or assist the court in making certain determinations. Title 2 (Child in Relation to the Family), Family Code, uses these terms but does not define them.

S.B. 822 amends current law relating to the applicability of certain definitions and certain laws governing attorneys ad litem, guardians ad litem, and amicus attorneys in family law proceedings.

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 Title 2, Family Code, by adding Subtitle E, as follows:

SUBTITLE E. GENERAL PROVISIONS

CHAPTER 47. GENERAL PROVISIONS

Sec. 47.001. APPLICABILITY OF DEFINITIONS. (a) Provides that, except as provided by Subsection (b), the definitions in Chapter 101 apply to terms used in this title.

(b) Provides that, if a term defined in this title has a meaning different from the meaning provided by Chapter 101, the meaning provided by this title prevails.

Sec. 47.002. APPLICABILITY OF LAWS RELATING TO ATTORNEYS AD LITEM, GUARDIANS AD LITEM, AND AMICUS ATTORNEYS. Provides that Chapter 107 (Special Appointments and Social Studies) applies to the appointment of an attorney ad litem, guardian ad litem, or amicus attorney under this title.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.