

BILL ANALYSIS

Senate Research Center
87R8808 MM-F

S.B. 904
By: Perry
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Reports indicate a clear desire across Texas for the child welfare system to become more trauma-informed. It has been suggested that the most prevalent inadequacy is the lack of education with regard to recognizing and distinguishing the behaviors that children exhibit. Specifically, there have been calls to improve the knowledge of attorneys involved in these cases by educating them about the affects that trauma has on children.

S.B. 904 would require an attorney who is on the court-maintained list of qualified attorneys ad litem for children in child protection cases to complete 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.

The bill requires an attorney to complete the training as soon as practicable after the attorney is placed on the list and it requires an attorney who is currently on the court-maintained list to complete the training no later than September 1, 2022.

As proposed, S.B. 904 amends current law relating to requiring trauma training for certain attorneys.

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, Family Code, by amending Subsection (b-1) and adding Subsections (b-2), (b-3), and (b-4), as follows:

(b-1) Requires an attorney who is on the list maintained by the court as being qualified for appointment as an attorney ad litem for a child in a child protection case to:

(1) complete at least three hours of continuing legal education relating to the representation of a child in a proceeding under Subtitle E each year before the anniversary date of the attorney's listing; and

(2) provide proof that the attorney has completed a training program regarding trauma-informed care and the effect of trauma on children in the conservatorship of the Department of Family and Protective Services (DFPS).

(b-2) Authorizes the training described by Subsection (b-1)(2) to satisfy the training requirement under Subsection (b-1)(1) in a year in which an attorney completes the training.

(b-3) Requires an attorney described by Subsection (b-1) to complete the training required by Subsection (b-1)(2) as soon as practicable after the attorney is placed on the list described by Subsection (b-1).

(b-4) Requires that the training required by Subsection (b-1)(2) be designed to educate an attorney regarding the attorney's duty under Subsection (d-3) (relating to requiring that an attorney ad litem appointed to represent a child continue to review the child's safety and well-being and take appropriate action) and include information regarding:

(1) the symptoms of trauma and the impact that trauma has on a child, including how trauma may affect a child's development, emotions, memories, behavior, and decision-making;

(2) attachment and how a lack of attachment may affect a child;

(3) the role that trauma-informed care and services can have in a child's ability to build connections, feel safe, and regulate the child's emotions to help the child build resiliency and overcome the effects of trauma and adverse childhood experiences;

(4) the importance of screening children for trauma and the risk of mislabeling and inappropriate treatment of children without proper screening, including the risk associated with increasing the use of psychotropic medication;

(5) the potential for re-traumatization of children in the conservatorship of DFPS; and

(6) the availability of research-supported, trauma-informed, non-pharmacological interventions, and trauma-informed advocacy to increase a child's access, while the child is in the conservatorship of DFPS, to trauma-informed care and trauma-informed mental and behavioral health services.

SECTION 2. Requires an attorney who is on the list maintained by a court as being qualified for appointment as an attorney ad litem for a child in a child protection case on the effective date of this Act to complete the training required by Section 107.004(b-1)(2), Family Code, as added by this Act, not later than September 1, 2022.

SECTION 3. Effective date: September 1, 2021.