

BILL ANALYSIS

C.S.H.B. 1824
By: Lucio III
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Amicus attorneys, guardians ad litem, and attorneys ad litem are often appointed to represent a child in an action or assist the court in making certain determinations. There is concern that there are inconsistencies regarding the definition and applicability of these terms in the Family Code. C.S.H.B. 1824 seeks to address these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1824 amends the Family Code to make the definitions in statutory provisions governing the parent-child relationship and suits affecting the parent-child relationship applicable to terms used in statutory provisions governing the child in relation to the family, unless the meaning differs, in which case the meaning for a term provided by statutory provisions governing the child in relation to the family prevails. The bill makes statutory provisions relating to special appointments and social studies applicable to the appointment of an attorney ad litem, a guardian ad litem, or an amicus attorney under statutory provisions governing the child in relation to the family.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1824 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Title 2, Family Code, is amended by adding Subtitle E to read as

HOUSE COMMITTEE SUBSTITUTE

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follows:

SUBTITLE E. GENERAL PROVISIONS
CHAPTER 47. GENERAL PROVISIONS
Sec. 47.001. APPLICABILITY OF
DEFINITIONS.

Sec. 47.002. APPLICABILITY OF LAWS
RELATING TO ATTORNEYS AD LITEM
AND AMICUS ATTORNEYS.

Chapter 107 applies to the appointment of
an attorney ad litem or amicus attorney
under this title.

SECTION 2. The changes in law made by this Act apply only to a proceeding that is commenced on or after the effective date of this Act. A proceeding that is commenced before that date is governed by the law as it existed on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

follows:

SUBTITLE E. GENERAL PROVISIONS
CHAPTER 47. GENERAL PROVISIONS
Sec. 47.001. APPLICABILITY OF
DEFINITIONS.

Sec. 47.002. APPLICABILITY OF LAWS
RELATING TO ATTORNEYS AD
LITEM, GUARDIANS AD LITEM, AND
AMICUS ATTORNEYS.

Chapter 107 applies to the appointment of
an attorney ad litem, guardian ad litem, or
amicus attorney under this title.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.