

SUBJECT: Requiring certain attorneys to complete training on trauma-informed care

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 5 ayes — Neave, Cook, Ramos, Talarico, Wu

3 nays — Swanson, Frank, Vasut

1 absent — Leach

SENATE VOTE: On final passage, April 19 — 30-1 (Hughes)

WITNESSES: No public hearing.

BACKGROUND: Family Code sec. 107.004 requires attorneys on the court-maintained list of qualified attorneys ad litem for children in child protective cases to complete at least three hours of continuing legal education relating to the representation of children each year.

DIGEST: SB 904 would require an attorney who was on a court-maintained list as being qualified for appointment as an attorney ad litem for a child in a child protection case to provide proof that the attorney had 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). An attorney would have to complete the training as soon as practicable after being placed on the court-maintained list.

The trauma-informed training program required by the bill could satisfy the statutory requirement that an attorney on the court-maintained list complete at least three hours of continuing legal education related to the representation of a child in a court proceeding in a year in which an attorney completed the training.

Required training. The trauma-informed training would have to be designed to educate an attorney regarding the attorney's required duty

under the Family Code to periodically review the child's safety and well-being, including any effects of trauma to the child, and take appropriate actions, including requesting a review hearing when necessary to address an issue of concern.

The training program would include information on:

- the symptoms of trauma and the impact that trauma had on a child, including how trauma can affect a child's development, emotions, memories, behavior, and decision-making;
- attachment and how a lack of attachment can affect a child;
- the role that trauma-informed care and services can have in a child's ability to build connections, feel safe, and regulate emotions to help the child build resiliency and overcome the effects of trauma and adverse childhood experiences;
- 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 increased use of psychotropic medication;
- the potential for re-traumatization of children in the conservatorship of DFPS; and
- the availability of research-supported, trauma-informed, nonpharmacological interventions and trauma-informed advocacy to increase a child's access, while under DFPS conservatorship, to trauma-informed care and trauma-informed mental and behavioral health services.

The bill would take effect September 1, 2021, and would require that attorneys on the court-maintained list on that date complete the required training by September 1, 2022.

**SUPPORTERS
SAY:**

SB 904 would improve care and outcomes for children in the child welfare system by requiring the attorneys assigned to represent them in court to undergo trauma-informed care training as soon as possible. Many attorneys and other professionals and individuals who interact with children under DFPS conservatorship lack the education necessary to

recognize and distinguish behaviors that traumatized children exhibit and can mistake those behaviors for acting out by the child or a mental illness.

**CRITICS
SAY:**

SB 904 would impose a premature requirement that attorneys undergo trauma training. Techniques and strategies for recognizing and treating trauma in children in the child welfare system are relatively new and the features that lead to successful implementation of trauma-informed care remain largely unexamined.

NOTES:

The House companion, HB 566 by Lopez, was considered by the House Juvenile Justice and Family Issues Committee in a public hearing on March 29 and left pending.