

BILL ANALYSIS

Senate Research Center

H.B. 1943
By: Herrero et al. (Davis, Wendy)
Jurisprudence
5/18/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Court Appointed Special Advocates (CASAs) are volunteer service providers who advocate to courts on behalf of children within the foster care system. CASA volunteers are able to spend substantially more time getting to know a child and his or her situation than an attorney or caseworker because they generally have a caseload of one child or sibling group. CASAs are a valuable, no cost, resource to the children and courts of Texas because the insight they provide is a product of donated time.

H.B. 1943 amends Section 107.031 (Volunteer Advocates as Guardians Ad Litem), Family Code, to allow a court to appoint a CASA volunteer as a guardian ad litem or, if the court determines it is in the best interest of the child to appoint the child's attorney in the dual role of attorney and guardian ad litem, as a volunteer advocate.

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 107.031, Family Code, as follows:

Sec. 107.031. VOLUNTEER ADVOCATES AS GUARDIANS AD LITEM. (a) Authorizes the court, in a suit filed by a governmental entity requesting termination of the parent-child relationship or appointment of the entity as conservator of the child, to appoint a charitable organization composed of volunteer advocates whose charter mandates the provision of services to allegedly abused and neglected children or an individual who has received the court's approved training regarding abused and neglected children and who has been certified by the court to appear at court hearings as a guardian ad litem for the child or as a volunteer advocate for the child if the court makes a determination that it is in the best interest of the child to appoint the child's attorney ad litem in the dual role.

(b) Authorizes the court, in a suit other than a suit filed by a governmental entity requesting termination of the parent-child relationship or appointment of the entity as conservator of the child, to appoint a charitable organization composed of volunteer advocates whose training provides for the provision of services in private custody disputes or a person who has received the court's approved training regarding the subject matter of the suit and who has been certified by the court to appear at court hearings as a guardian ad litem for the child, rather than for the child or as a volunteer advocate for the child.

(c) Authorizes a court-certified volunteer advocate appointed as guardian ad litem for a child under this section to be assigned to act as a surrogate parent for the child, as provided by 20 U.S.C. Section 1415(b), if the child is in the conservatorship of Department of Family and Protective Services (DFPS) and a foster parent of the child is not acting as the child's parent under Section 29.015 (Foster Parents), Education Code, rather than if the child is in the conservatorship of DFPS, the volunteer advocate is serving as guardian ad litem for the child, and

a foster parent of the child is not acting as the child's parent under Section 29.015, Education Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.