

By: Miller

H.B. No. 1916

A BILL TO BE ENTITLED

AN ACT

relating to requiring evidence-based trauma training for certain attorneys.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 107.004, Family Code, is amended by amending Subsection (b-1) and adding Subsections (b-2), (b-3), and (b-4) to read as follows:

(b-1) 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 must:

(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.

(b-2) The supreme court shall adopt rules to provide for the training required under Subsection (b-1)(2). In adopting the rules, the court shall consult with the Texas Center for the Judiciary, the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families, and the Child Protection Law Section of the State Bar of Texas.

1 (b-3) An attorney shall complete the training required by
2 this section before the attorney may be appointed as an attorney ad
3 litem for a child in a child protection case.

4 (b-4) The training required by Subsection (b-1)(2) must
5 include information regarding:

6 (1) the impact that trauma has on a child, including
7 how trauma may affect a child's memories, behavior, and
8 decision-making;

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

11 (3) the role that trauma-informed care and services
12 can have in helping a child build resiliency and overcome the
13 effects of trauma and adverse childhood experiences;

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

18 (5) the potential for re-traumatization of children in
19 the conservatorship of the Department of Family and Protective
20 Services; and

21 (6) the availability of:

22 (A) research-supported, trauma-informed,
23 non-pharmacological interventions; and

24 (B) trauma-informed advocacy to increase a
25 child's access, while the child is in the conservatorship of the
26 Department of Family and Protective Services, to:

27 (i) trauma-informed care; and

1 (ii) trauma-informed mental and behavioral
2 health services.

3 SECTION 2. Subchapter H, Chapter 81, Government Code, is
4 amended by adding Section 81.1131 to read as follows:

5 Sec. 81.1131. CONTINUING LEGAL EDUCATION CREDIT. The state
6 bar shall count the hours of training an attorney licensed in this
7 state completes under Section 107.004(b-1)(2) toward the minimum
8 continuing legal education requirements of the state bar for the
9 reporting year in which the training is completed.

10 SECTION 3. (a) Not later than December 1, 2019, the Supreme
11 Court of Texas shall adopt the rules necessary to provide the
12 training required by Section 107.004(b-1)(2), Family Code, as added
13 by this Act.

14 (b) An attorney who is on the list maintained by a court as
15 being qualified for appointment as an attorney ad litem for a child
16 in a child protection case on the effective date of this Act shall
17 complete the training required by Section 107.004(b-1)(2), Family
18 Code, as added by this Act, not later than September 1, 2020.

19 SECTION 4. This Act takes effect September 1, 2019.