

By: Sanford

H.B. No. 3605

A BILL TO BE ENTITLED

AN ACT

relating to appointment of an attorney ad litem to represent an unborn child during a judicial bypass proceeding for an abortion for a pregnant minor.

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

SECTION 1. Section 33.001, Family Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Unborn child" has the meaning assigned by Section 171.061, Health and Safety Code.

SECTION 2. Section 33.003, Family Code, is amended by adding Subsections (f-1) and (f-2) and amending Subsection (l) to read as follows:

(f-1) The court may appoint an attorney ad litem to represent an unborn child during a proceeding under this section.

(f-2) The attorney general shall develop and maintain a registry listing the identity of and contact information for qualified attorneys in this state that have voluntarily notified the attorney general of their willingness to serve, or have been asked by the attorney general and have consented to serve, as attorneys ad litem for an unborn child in proceedings under this section.

(l) An order of the court issued under this section is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or discovery, subpoena, or other

1 legal process. The order may not be released to any person but the  
2 pregnant minor, the pregnant minor's guardian ad litem, the unborn  
3 child's attorney ad litem, the pregnant minor's attorney, the  
4 physician who is to perform the abortion, another person designated  
5 to receive the order by the minor, or a governmental agency or  
6 attorney in a criminal or administrative action seeking to assert  
7 or protect the interest of the minor. The supreme court may adopt  
8 rules to permit confidential docketing of an application under this  
9 section.

10 SECTION 3. Section 33.004(c), Family Code, is amended to  
11 read as follows:

12 (c) A ruling of the court of appeals issued under this  
13 section is confidential and privileged and is not subject to  
14 disclosure under Chapter 552, Government Code, or discovery,  
15 subpoena, or other legal process. The ruling may not be released to  
16 any person but the pregnant minor, the pregnant minor's guardian ad  
17 litem, the unborn child's attorney ad litem, the pregnant minor's  
18 attorney, another person designated to receive the ruling by the  
19 minor, or a governmental agency or attorney in a criminal or  
20 administrative action seeking to assert or protect the interest of  
21 the minor. The supreme court may adopt rules to permit confidential  
22 docketing of an appeal under this section.

23 SECTION 4. Section 33.006, Family Code, is amended to read  
24 as follows:

25 Sec. 33.006. GUARDIAN AD LITEM OR CERTAIN ATTORNEYS AD  
26 LITEM IMMUNITY. A guardian ad litem appointed under this chapter or  
27 attorney ad litem for an unborn child who is ~~and~~ acting in the

1 course and scope of the appointment is not liable for damages  
2 arising from an act or omission of the guardian or attorney ad litem  
3 committed in good faith. The immunity granted by this section does  
4 not apply if the conduct of the guardian or attorney ad litem is  
5 committed in a manner described by Sections 107.009(b)(1)-(3)  
6 [~~107.003(b)(1)-(4)~~].

7 SECTION 5. Section 33.007(a), Family Code, is amended to  
8 read as follows:

9 (a) A court acting under Section 33.003 or 33.004 may issue  
10 an order requiring the state to pay:

11 (1) the cost of any attorney ad litem and any guardian  
12 ad litem appointed for the minor;

13 (2) notwithstanding Sections 33.003(n) and 33.004(e),  
14 the costs of court associated with the application or appeal; [~~and~~]

15 (3) any court reporter's fees incurred; and

16 (4) the cost of any attorney ad litem appointed for an  
17 unborn child.

18 SECTION 6. This Act takes effect September 1, 2019.