

1-1 By: Zaffirini S.B. No. 41  
 1-2 (In the Senate - Filed November 12, 2018; February 1, 2019,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 13, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 13, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 41 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to exemptions to reporting and list requirements for  
 1-22 certain attorneys ad litem, guardians ad litem, amicus attorneys,  
 1-23 mediators, and guardians.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 36.003, Government Code, is amended to  
 1-26 read as follows:

1-27 Sec. 36.003. EXEMPTION. The reporting requirements of  
 1-28 Section 36.004 do not apply to:

1-29 (1) a mediation conducted by an alternative dispute  
 1-30 resolution system established under Chapter 152, Civil Practice and  
 1-31 Remedies Code;

1-32 (2) information made confidential under state or  
 1-33 federal law, including applicable rules;

1-34 (3) a guardian ad litem or other person appointed  
 1-35 under a program authorized by Section 107.031, Family Code; ~~or~~

1-36 (4) an attorney ad litem, guardian ad litem, amicus  
 1-37 attorney, or mediator appointed under a domestic relations office  
 1-38 established under Chapter 203, Family Code;

1-39 (5) an attorney ad litem, guardian ad litem, amicus  
 1-40 attorney, or mediator providing services without expectation or  
 1-41 receipt of compensation; or

1-42 (6) an attorney ad litem, guardian ad litem, amicus  
 1-43 attorney, or mediator providing services as a volunteer of a  
 1-44 nonprofit organization that provides pro bono legal services to the  
 1-45 indigent.

1-46 SECTION 2. Section 37.002, Government Code, is amended to  
 1-47 read as follows:

1-48 Sec. 37.002. EXEMPTION. The appointment requirements of  
 1-49 Section 37.004 do not apply to:

1-50 (1) a mediation conducted by an alternative dispute  
 1-51 resolution system established under Chapter 152, Civil Practice and  
 1-52 Remedies Code;

1-53 (2) a guardian ad litem or other person appointed  
 1-54 under a program authorized by Section 107.031, Family Code;

1-55 (3) an attorney ad litem, guardian ad litem, amicus  
 1-56 attorney, or mediator appointed under a domestic relations office  
 1-57 established under Chapter 203, Family Code; ~~or~~

1-58 (4) a person other than an attorney or a private  
 1-59 professional guardian appointed to serve as a guardian as defined  
 1-60 by Section 1002.012, Estates Code;

2-1 (5) an attorney ad litem, guardian ad litem, amicus  
2-2 attorney, or mediator providing services without expectation or  
2-3 receipt of compensation; or

2-4 (6) an attorney ad litem, guardian ad litem, amicus  
2-5 attorney, or mediator providing services as a volunteer of a  
2-6 nonprofit organization that provides pro bono legal services to the  
2-7 indigent.

2-8 SECTION 3. Section 37.004, Government Code, is amended by  
2-9 amending Subsection (a) and adding Subsections (d-1) and (g) to  
2-10 read as follows:

2-11 (a) Except as provided by Subsections (c), ~~and~~ (d), and  
2-12 (d-1), in each case in which the appointment of an attorney ad  
2-13 litem, guardian ad litem, or guardian is necessary, a court using a  
2-14 rotation system shall appoint the person whose name appears first  
2-15 on the applicable list maintained by the court as required by  
2-16 Section 37.003.

2-17 (d-1) The court may appoint a person included on the  
2-18 applicable list whose name does not appear first on the list or a  
2-19 person who meets statutory or other requirements to serve and who is  
2-20 not included on the list if, within 30 days preceding the date of  
2-21 appointment, an initial declaration of a state of disaster is made  
2-22 for the area served by the court.

2-23 (g) In this section, "declaration of a state of disaster"  
2-24 means a declaration made by:

2-25 (1) the president of the United States under the  
2-26 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42  
2-27 U.S.C. Section 5121 et seq.);

2-28 (2) the governor under Section 418.014; or

2-29 (3) the presiding officer of the governing body of a  
2-30 political subdivision under Section 418.108.

2-31 SECTION 4. This Act takes effect September 1, 2019.

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