

1-1 By: Menéndez S.B. No. 2049
1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 April 20, 2021, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to guardians ad litem for children who are in the juvenile
1-20 justice system and the child protective services system.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 51.11, Family Code, is amended by adding
1-23 Subsections (d) and (e) to read as follows:

1-24 (d) The juvenile court may appoint the guardian ad litem
1-25 appointed under Chapter 107 for a child in a suit affecting the
1-26 parent-child relationship filed by the Department of Family and
1-27 Protective Services to serve as the guardian ad litem for the child
1-28 in a proceeding held under this title.

1-29 (e) A guardian ad litem may not investigate any charges
1-30 involving the child that are pending with the juvenile court.

1-31 SECTION 2. Section 54.01(c), Family Code, is amended to
1-32 read as follows:

1-33 (c) At the detention hearing, the court may consider written
1-34 reports from probation officers, professional court employees,
1-35 guardians ad litem appointed under Section 51.11(d), or
1-36 professional consultants in addition to the testimony of witnesses.
1-37 Prior to the detention hearing, the court shall provide the
1-38 attorney for the child with access to all written matter to be
1-39 considered by the court in making the detention decision. The court
1-40 may order counsel not to reveal items to the child or his parent,
1-41 guardian, or guardian ad litem if such disclosure would materially
1-42 harm the treatment and rehabilitation of the child or would
1-43 substantially decrease the likelihood of receiving information
1-44 from the same or similar sources in the future.

1-45 SECTION 3. Section 54.02(e), Family Code, is amended to
1-46 read as follows:

1-47 (e) At the transfer hearing the court may consider written
1-48 reports from probation officers, professional court employees,
1-49 guardians ad litem appointed under Section 51.11(d), or
1-50 professional consultants in addition to the testimony of witnesses.
1-51 At least five days prior to the transfer hearing, the court shall
1-52 provide the attorney for the child and the prosecuting attorney
1-53 with access to all written matter to be considered by the court in
1-54 making the transfer decision. The court may order counsel not to
1-55 reveal items to the child or the child's parent, guardian, or
1-56 guardian ad litem if such disclosure would materially harm the
1-57 treatment and rehabilitation of the child or would substantially
1-58 decrease the likelihood of receiving information from the same or
1-59 similar sources in the future.

1-60 SECTION 4. Section 54.04(b), Family Code, is amended to
1-61 read as follows:

2-1 (b) At the disposition hearing, the juvenile court,
2-2 notwithstanding the Texas Rules of Evidence or Chapter 37, Code of
2-3 Criminal Procedure, may consider written reports from probation
2-4 officers, professional court employees, guardians ad litem
2-5 appointed under Section 51.11(d), or professional consultants in
2-6 addition to the testimony of witnesses. On or before the second day
2-7 before the date of the disposition hearing, the court shall provide
2-8 the attorney for the child and the prosecuting attorney with access
2-9 to all written matter to be considered by the court in disposition.
2-10 The court may order counsel not to reveal items to the child or the
2-11 child's parent, guardian, or guardian ad litem if such disclosure
2-12 would materially harm the treatment and rehabilitation of the child
2-13 or would substantially decrease the likelihood of receiving
2-14 information from the same or similar sources in the future.

2-15 SECTION 5. Section 54.05(e), Family Code, is amended to
2-16 read as follows:

2-17 (e) After the hearing on the merits or facts, the court may
2-18 consider written reports from probation officers, professional
2-19 court employees, guardians ad litem appointed under Section
2-20 51.11(d), or professional consultants in addition to the testimony
2-21 of other witnesses. On or before the second day before the date of
2-22 the hearing to modify disposition, the court shall provide the
2-23 attorney for the child and the prosecuting attorney with access to
2-24 all written matter to be considered by the court in deciding whether
2-25 to modify disposition. The court may order counsel not to reveal
2-26 items to the child or his parent, guardian, or guardian ad litem if
2-27 such disclosure would materially harm the treatment and
2-28 rehabilitation of the child or would substantially decrease the
2-29 likelihood of receiving information from the same or similar
2-30 sources in the future.

2-31 SECTION 6. Section 54.11(d), Family Code, is amended to
2-32 read as follows:

2-33 (d) At a hearing under this section the court may consider
2-34 written reports and supporting documents from probation officers,
2-35 professional court employees, guardians ad litem appointed under
2-36 Section 51.11(d), professional consultants, employees of the Texas
2-37 Juvenile Justice Department, or employees of a post-adjudication
2-38 secure correctional facility in addition to the testimony of
2-39 witnesses. On or before the fifth day before the date of the
2-40 hearing, the court shall provide the attorney for the person to be
2-41 transferred or released under supervision with access to all
2-42 written matter to be considered by the court. All written matter is
2-43 admissible in evidence at the hearing.

2-44 SECTION 7. Section 107.011, Family Code, is amended by
2-45 adding Subsections (e) and (f) to read as follows:

2-46 (e) The court may appoint the person appointed as guardian
2-47 ad litem for the child under Section 51.11 to also serve as the
2-48 guardian ad litem for the child under this section.

2-49 (f) Notwithstanding any other law, a guardian ad litem
2-50 appointed under this section for a child may not investigate any
2-51 pending criminal or juvenile charges involving the child.

2-52 SECTION 8. This Act takes effect September 1, 2021.

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