

1-1 By: Cook (Senate Sponsor - Zaffirini) H.B. No. 2530
 1-2 (In the Senate - Received from the House May 14, 2025;
 1-3 May 14, 2025, read first time and referred to Committee on
 1-4 Jurisprudence; May 22, 2025, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 22, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hughes	X			
1-8 Johnson	X			
1-9 Creighton			X	
1-10 Hinojosa of Hidalgo	X			
1-11 Middleton	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to special appointments in suits affecting the
 1-16 parent-child relationship.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 107.001(1), Family Code, is amended to
 1-19 read as follows:

1-20 (1) "Amicus attorney" means an attorney appointed by
 1-21 the court in a suit, other than a suit filed by a governmental
 1-22 entity, whose role is to provide legal services necessary to assist
 1-23 the court in protecting a child's best interests rather than to
 1-24 provide legal services to the child, including by acting as a
 1-25 witness or making recommendations to the court.

1-26 SECTION 2. The heading to Section 107.003, Family Code, is
 1-27 amended to read as follows:

1-28 Sec. 107.003. POWERS AND DUTIES OF ATTORNEY AD LITEM FOR
 1-29 CHILD [~~AND AMICUS ATTORNEY~~].

1-30 SECTION 3. Section 107.003(a), Family Code, is amended to
 1-31 read as follows:

1-32 (a) An attorney ad litem appointed to represent a child [~~or~~
 1-33 ~~an amicus attorney appointed to assist the court~~]:

1-34 (1) shall:

1-35 (A) subject to Rules 4.02, 4.03, and 4.04, Texas
 1-36 Disciplinary Rules of Professional Conduct, and within a reasonable
 1-37 time after the appointment, interview:

1-38 (i) the child in a developmentally
 1-39 appropriate manner, if the child is four years of age or older;

1-40 (ii) each person who has significant
 1-41 knowledge of the child's history and condition, including any
 1-42 foster parent of the child; and

1-43 (iii) the parties to the suit;

1-44 (B) seek to elicit in a developmentally
 1-45 appropriate manner the child's expressed objectives of
 1-46 representation;

1-47 (C) consider the impact on the child in
 1-48 formulating the attorney's presentation of the child's expressed
 1-49 objectives of representation to the court;

1-50 (D) investigate the facts of the case to the
 1-51 extent the attorney considers appropriate;

1-52 (E) obtain and review copies of relevant records
 1-53 relating to the child as provided by Section 107.006;

1-54 (F) participate in the conduct of the litigation
 1-55 to the same extent as an attorney for a party;

1-56 (G) take any action consistent with the child's
 1-57 interests that the attorney considers necessary to expedite the
 1-58 proceedings;

1-59 (H) encourage settlement and the use of
 1-60 alternative forms of dispute resolution; and

1-61 (I) review and sign, or decline to sign, a

2-1 proposed or agreed order affecting the child;
 2-2 (2) must be trained in child advocacy or have
 2-3 experience determined by the court to be equivalent to that
 2-4 training; and

2-5 (3) is entitled to:
 2-6 (A) request clarification from the court if the
 2-7 role of the attorney is ambiguous;
 2-8 (B) request a hearing or trial on the merits;
 2-9 (C) consent or refuse to consent to an interview
 2-10 of the child by another attorney;
 2-11 (D) receive a copy of each pleading or other
 2-12 paper filed with the court;
 2-13 (E) receive notice of each hearing in the suit;
 2-14 (F) participate in any case staffing concerning
 2-15 the child conducted by the Department of Family and Protective
 2-16 Services; and
 2-17 (G) attend all legal proceedings in the suit.

2-18 SECTION 4. Section 107.007(a), Family Code, is amended to
 2-19 read as follows:

2-20 (a) An attorney ad litem or ~~[7]~~ an attorney serving in the
 2-21 dual role ~~[7, or an amicus attorney]~~ may not:

2-22 (1) be compelled to produce attorney work product
 2-23 developed during the appointment as an attorney;
 2-24 (2) be required to disclose the source of any
 2-25 information;
 2-26 (3) submit a report into evidence; or
 2-27 (4) testify in court except as authorized by Rule
 2-28 3.08, Texas Disciplinary Rules of Professional Conduct.

2-29 SECTION 5. Section 107.009, Family Code, is amended to read
 2-30 as follows:

2-31 Sec. 107.009. IMMUNITY. (a) A guardian ad litem, ~~[an~~
 2-32 ~~attorney ad litem,~~ a child custody evaluator, or an adoption
 2-33 evaluator ~~[amicus attorney]~~ appointed under this chapter is not
 2-34 liable for civil damages arising from an action taken, a
 2-35 recommendation made, or an opinion given in the capacity of
 2-36 guardian ad litem, ~~[attorney ad litem,~~ child custody evaluator, or
 2-37 adoption evaluator ~~[amicus attorney]~~.

2-38 (a-1) An attorney ad litem or amicus attorney appointed
 2-39 under this chapter is not liable for civil damages arising from an
 2-40 action taken in the capacity of attorney ad litem or amicus
 2-41 attorney.

2-42 (b) Subsections ~~[Subsection]~~ (a) and (a-1) do ~~[does]~~ not
 2-43 apply to an action taken, a recommendation made, or an opinion
 2-44 given:

2-45 (1) with conscious indifference or reckless disregard
 2-46 to the safety of another;
 2-47 (2) in bad faith or with malice; or
 2-48 (3) that is grossly negligent or wilfully wrongful.

2-49 SECTION 6. Part 2, Subchapter B, Chapter 107, Family Code,
 2-50 is amended by adding Sections 107.024, 107.0245, 107.025, 107.0255,
 2-51 107.026, 107.0265, 107.027, and 107.0275 to read as follows:

2-52 Sec. 107.024. APPOINTMENT OF AMICUS ATTORNEY. (a) The
 2-53 court, after notice and hearing or on agreement of the parties, may
 2-54 appoint an amicus attorney in a suit.

2-55 (b) In determining whether to make an appointment under this
 2-56 section, the court:

2-57 (1) shall:

2-58 (A) give due consideration to the ability of the
 2-59 parties to pay reasonable fees to the amicus attorney; and

2-60 (B) balance the child's interests against the
 2-61 cost to the parties that would result from an appointment by taking
 2-62 into consideration the cost of available alternatives for resolving
 2-63 issues without making an appointment;

2-64 (2) may make an appointment only if the court finds
 2-65 that the appointment is necessary to ensure the determination of
 2-66 the best interests of the child, unless the appointment is
 2-67 otherwise required by this code; and

2-68 (3) may not require an amicus attorney appointed under
 2-69 this section to serve without reasonable compensation for the

3-1 services rendered by the amicus attorney.
3-2 (c) An amicus attorney appointed under this section must be
3-3 qualified under Section 107.0245 or 107.025.
3-4 (d) An order appointing an amicus attorney under this
3-5 section must include:
3-6 (1) the name, bar number, address, telephone number,
3-7 and e-mail address of the appointed amicus attorney;
3-8 (2) the scope of the amicus attorney's role;
3-9 (3) a list of the duties of an amicus attorney,
3-10 including duties under Section 107.0265(c)(1);
3-11 (4) any other specific tasks requested by the court;
3-12 and
3-13 (5) specific provisions for payment of the amicus
3-14 attorney, including a retainer or cost deposit.
3-15 (e) If a party to or child subject to a suit does not speak
3-16 English as the party's or child's primary language, the court shall
3-17 ensure that the amicus attorney:
3-18 (1) is able to effectively communicate in the party's
3-19 or child's primary language; or
3-20 (2) will be assisted by a licensed or certified
3-21 interpreter.
3-22 (f) A licensed or certified interpreter assisting an amicus
3-23 attorney under Subsection (e)(2) may accompany the amicus attorney
3-24 in person or assist through use of audio or video conferencing
3-25 technology.
3-26 (g) The court may require the parties to pay any costs
3-27 associated with obtaining assistance from a licensed or certified
3-28 interpreter under Subsection (e)(2).
3-29 Sec. 107.0245. AMICUS ATTORNEY; MINIMUM QUALIFICATIONS.
3-30 (a) To be qualified to serve as an amicus attorney, an individual
3-31 must:
3-32 (1) be an attorney who:
3-33 (A) is licensed to practice law in this state and
3-34 in good standing with the State Bar of Texas;
3-35 (B) has practiced law for at least two years; and
3-36 (C) is trained in child advocacy or found by the
3-37 court to have experience equivalent to training in child advocacy;
3-38 (2) in the two years preceding the appointment, have
3-39 completed not less than a total of four hours of continuing legal
3-40 education in the following subject areas:
3-41 (A) the dynamics of family violence;
3-42 (B) techniques for interviewing a child in a
3-43 developmentally appropriate manner; and
3-44 (C) alternative dispute resolution; and
3-45 (3) if appropriate due to the nature of the
3-46 appointment, be familiar with the American Bar Association's
3-47 standards of practice for attorneys who represent children in
3-48 custody cases.
3-49 (b) Continuing legal education described by Subsection
3-50 (a)(2)(A) must be developed in consultation with a statewide family
3-51 violence advocacy organization.
3-52 (c) The court shall determine whether a prospective amicus
3-53 attorney meets the qualifications of this section.
3-54 (d) On the request of the court, a prospective amicus
3-55 attorney must demonstrate appropriate knowledge and competence
3-56 consistent with professional models, standards, and guidelines.
3-57 Sec. 107.025. EXCEPTION TO QUALIFICATIONS REQUIRED TO SERVE
3-58 AS AMICUS ATTORNEY IN CERTAIN COUNTIES. (a) This section applies
3-59 only to a county with a population of less than 500,000.
3-60 (b) If a court finds that an individual qualified to serve
3-61 as an amicus attorney under Section 107.0245 is not available in the
3-62 county to serve as an amicus attorney, the court may, after notice
3-63 and hearing or on agreement of the parties, appoint an amicus
3-64 attorney the court determines to be otherwise qualified to serve.
3-65 Sec. 107.0255. AMICUS ATTORNEY; CONFLICTS OF INTEREST AND
3-66 BIAS. (a) Before a person accepts appointment as an amicus
3-67 attorney in a suit, the person must disclose to the court, each
3-68 attorney for a party to the suit, and any party to the suit who does
3-69 not have an attorney:

4-1 (1) any conflict of interest that the person believes
4-2 the person has with the court, any party to the suit, or a child who
4-3 is the subject of the suit;
4-4 (2) any previous knowledge that the person has of a
4-5 party to the suit or a child who is the subject of the suit, other
4-6 than knowledge obtained in a court-ordered evaluation;
4-7 (3) any pecuniary relationship that the person
4-8 believes the person has with an attorney in the suit or the court;
4-9 (4) any fiduciary relationship that the person
4-10 believes the person has with an attorney in the suit or the court;
4-11 (5) any conflict of interest that the person believes
4-12 the person has with another person participating or expected to
4-13 participate in the suit in a professional capacity; and
4-14 (6) any other information relating to the person's
4-15 relationship with an attorney in the suit or the court that a
4-16 reasonable, prudent person would believe would affect the ability
4-17 of the person to act impartially as an amicus attorney.
4-18 (b) The court may not appoint a person as an amicus attorney
4-19 in a suit if the person makes any of the disclosures in Subsection
4-20 (a) unless:
4-21 (1) the court finds, after notice and a hearing, that:
4-22 (A) the person has no conflict of interest with a
4-23 party to the suit, the court, or a child who is the subject of the
4-24 suit;
4-25 (B) the person's previous knowledge of a party to
4-26 the suit, the court, or a child who is the subject of the suit is not
4-27 relevant;
4-28 (C) the person does not have a pecuniary
4-29 relationship with an attorney in the suit or the court; and
4-30 (D) the person does not have a fiduciary
4-31 relationship with an attorney in the suit or the court; or
4-32 (2) the parties agree in writing to the person's
4-33 appointment as an amicus attorney.
4-34 (c) After being appointed as an amicus attorney in a suit, a
4-35 person shall immediately disclose to the court, each attorney for a
4-36 party to the suit, and any party to the suit who does not have an
4-37 attorney any discovery of the following unless previously
4-38 disclosed:
4-39 (1) a conflict of interest that the person believes
4-40 the person has with a party to the suit, the court, or a child who is
4-41 the subject of the suit;
4-42 (2) previous knowledge the person has of a party to the
4-43 suit, the court, or a child who is the subject of the suit, other
4-44 than knowledge obtained in a court-ordered evaluation;
4-45 (3) a relationship that the person has with an
4-46 attorney in the suit who was hired or appointed after the person's
4-47 appointment as an amicus attorney that would have been subject to
4-48 disclosure under Subsection (a); and
4-49 (4) any conflict of interest that the person believes
4-50 the person has with another person who participates in the suit in a
4-51 professional capacity.
4-52 (d) The court shall remove a person as an amicus attorney in
4-53 a suit if the person makes any of the disclosures in Subsection (c)
4-54 unless:
4-55 (1) the court finds, after notice and a hearing, that,
4-56 as applicable:
4-57 (A) the person has no conflict of interest with a
4-58 party to the suit, the court, or a child who is the subject of the
4-59 suit;
4-60 (B) the person's previous knowledge of a party to
4-61 the suit, the court, or a child who is the subject of the suit is not
4-62 relevant;
4-63 (C) the person has no pecuniary or fiduciary
4-64 relationship with an attorney in the suit who was hired or appointed
4-65 after the person's appointment as an amicus attorney; or
4-66 (D) the person has no conflict of interest with
4-67 another person who participates in the suit in a professional
4-68 capacity; or
4-69 (2) the parties agree in writing to the person's

5-1 continued appointment as an amicus attorney.

5-2 (e) A person who has a preexisting relationship with an
 5-3 attorney for a party to the suit or a professional participating in
 5-4 the suit is not disqualified from being an amicus attorney if the
 5-5 relationship was formed in a professional setting such as service
 5-6 to the community or a bar association.

5-7 Sec. 107.026. AMICUS ATTORNEY STANDARD OF CARE. (a) Except
 5-8 as provided by this title, an amicus attorney is subject to the
 5-9 professional standards of care and ethical standards necessary to
 5-10 remain in good standing with the State Bar of Texas.

5-11 (b) A court may impose requirements or adopt local rules
 5-12 applicable to an amicus attorney that do not conflict with this
 5-13 subchapter.

5-14 Sec. 107.0265. POWERS AND DUTIES OF AMICUS ATTORNEY. (a)
 5-15 Subject to specific limitations given in an order of appointment
 5-16 under Section 107.024, an amicus attorney's primary duty is to:

5-17 (1) review the facts and circumstances of the case;
 5-18 and

5-19 (2) advocate the best interests of a child who is the
 5-20 subject of the suit.

5-21 (b) In performing the duties under Subsection (a), an amicus
 5-22 attorney is not bound by the expressed objectives of a child who is
 5-23 the subject of the suit.

5-24 (c) An amicus attorney appointed to assist the court:

5-25 (1) shall:

5-26 (A) subject to Rules 4.02, 4.03, and 4.04, Texas
 5-27 Disciplinary Rules of Professional Conduct, and within a reasonable
 5-28 time after the appointment, interview:

5-29 (i) the child in a developmentally
 5-30 appropriate manner, if the child is four years of age or older;

5-31 (ii) each person who has significant
 5-32 knowledge of the child's history and condition, including any
 5-33 foster parent of the child; and

5-34 (iii) the parties to the suit;

5-35 (B) seek to elicit and assess the child's view in
 5-36 a developmentally appropriate manner;

5-37 (C) consider the impact on the child in
 5-38 formulating the attorney's presentation of the child's expressed
 5-39 objectives of representation to the court;

5-40 (D) investigate the facts of the case to the
 5-41 extent the attorney considers appropriate;

5-42 (E) obtain and review copies of relevant records
 5-43 relating to the child as provided by Section 107.006;

5-44 (F) participate in the conduct of the litigation
 5-45 to the same extent as an attorney for a party;

5-46 (G) take any action consistent with the child's
 5-47 interests that the attorney considers necessary to expedite the
 5-48 proceedings;

5-49 (H) encourage settlement and the use of
 5-50 alternative forms of dispute resolution;

5-51 (I) review and sign, or decline to sign, a
 5-52 proposed or agreed order affecting the child;

5-53 (J) on the request of any party, disclose the
 5-54 name, address, and phone number of each person interviewed or
 5-55 consulted; and

5-56 (K) on the request of any party, make available
 5-57 documents obtained by the amicus attorney for copying;

5-58 (2) may be required by the court to perform additional
 5-59 tasks, including:

5-60 (A) conducting additional interviews with each
 5-61 child who is the subject of the suit to:

5-62 (i) ensure balanced and impartial
 5-63 representation by the amicus attorney; and

5-64 (ii) observe each child while in the care of
 5-65 each party to the suit;

5-66 (B) interviewing other individuals, including,
 5-67 at the discretion of the amicus attorney, a child who:

5-68 (i) is not less than four years of age; and

5-69 (ii) resides part-time or full-time in a

6-1 residence where a child who is the subject of the suit resides
6-2 part-time or full-time;
6-3 (C) visiting the residence of each party seeking
6-4 conservatorship or possession of or access to a child who is the
6-5 subject of the suit; or
6-6 (D) reviewing any information the court
6-7 determines is relevant; and
6-8 (3) is entitled to:
6-9 (A) request clarification from the court if the
6-10 role of the amicus attorney is ambiguous;
6-11 (B) request a hearing or trial on the merits;
6-12 (C) consent or refuse to consent to an interview
6-13 of the child by another attorney;
6-14 (D) receive a copy of each pleading or other
6-15 paper filed with the court;
6-16 (E) receive notice of each hearing in the suit;
6-17 (F) participate in any case staffing concerning
6-18 the child conducted by the Department of Family and Protective
6-19 Services;
6-20 (G) attend all legal proceedings in the suit; and
6-21 (H) make arguments during legal proceedings,
6-22 including:
6-23 (i) summarizing evidence; and
6-24 (ii) suggesting reasonable inferences and
6-25 deductions drawn from the evidence.
6-26 (d) In preparing for and conducting an interview with a
6-27 child, an amicus attorney shall:
6-28 (1) explain the role of an amicus attorney to the child
6-29 in a developmentally appropriate manner;
6-30 (2) inform the child in a developmentally appropriate
6-31 manner that the amicus attorney may use information the child
6-32 provides in assisting the court; and
6-33 (3) become familiar with the American Bar
6-34 Association's standards of practice for attorneys who represent
6-35 children in custody cases.
6-36 (e) The disclosure required by Subsections (c)(1)(J) and
6-37 (K):
6-38 (1) shall not be construed to require disclosure of an
6-39 amicus attorney's notes or attorney work product; and
6-40 (2) is subject to supplementation under Rule 193.5,
6-41 Texas Rules of Civil Procedure.
6-42 Sec. 107.027. LIMITATIONS ON AMICUS ATTORNEY POWERS. (a)
6-43 An amicus attorney may not:
6-44 (1) offer an opinion regarding conservatorship or
6-45 possession of or access to a child subject to a suit;
6-46 (2) engage in ex parte communications with the court;
6-47 (3) be compelled to produce attorney work product
6-48 developed during the appointment as an amicus attorney;
6-49 (4) except as required under Section
6-50 107.0265(c)(1)(J) or (K), be required to disclose the source of any
6-51 information;
6-52 (5) submit a report into evidence; or
6-53 (6) testify in court, except:
6-54 (A) as authorized under Rule 3.08, Texas
6-55 Disciplinary Rules of Professional Conduct; or
6-56 (B) as necessary for the court to make a
6-57 determination relating to the qualifications, conflicts of
6-58 interest, bias, or removal of the amicus attorney.
6-59 (b) Subsection (a) does not apply to the duty of an attorney
6-60 to report child abuse or neglect under Section 261.101.
6-61 Sec. 107.0275. REMOVAL OF AMICUS ATTORNEY. The court:
6-62 (1) may remove an amicus attorney if the parties agree
6-63 to the removal; and
6-64 (2) shall remove an amicus attorney if, after notice
6-65 and hearing, the court finds that the amicus attorney:
6-66 (A) does not have the minimum qualifications to
6-67 serve as an amicus attorney under Section 107.0245 or 107.025;
6-68 (B) has a conflict of interest or bias under
6-69 Section 107.0255(a) that is not exempted under that section;

7-1 (C) fails to perform duties under Section
7-2 107.0265 or ordered by the court;

7-3 (D) violates a standard of care under Section
7-4 107.026; or

7-5 (E) requests to be removed because a party to the
7-6 suit has prevented the amicus attorney from fulfilling the duties
7-7 of the amicus attorney.

7-8 SECTION 7. Section 107.005, Family Code, is repealed.

7-9 SECTION 8. The changes in law made by this Act apply only to
7-10 a suit affecting the parent-child relationship that is filed on or
7-11 after the effective date of this Act. A suit affecting the
7-12 parent-child relationship filed before the effective date of this
7-13 Act is governed by the law in effect on the date the suit was filed,
7-14 and the former law is continued in effect for that purpose.

7-15 SECTION 9. This Act takes effect September 1, 2025.

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