

1-1 By: Zaffirini S.B. No. 2501
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on Jurisprudence; May 1, 2025,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 5, Nays 0; May 1, 2025, 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 COMMITTEE SUBSTITUTE FOR S.B. No. 2501 By: Hughes

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to selection of an attorney by an indigent parent as
1-17 attorney ad litem for the parent in certain suits affecting the
1-18 parent-child relationship.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 107.013(a) and (a-1), Family Code, are
1-21 amended to read as follows:

1-22 (a) Subject to Section 107.01301, in [In] a suit filed by a
1-23 governmental entity under Subtitle E in which termination of the
1-24 parent-child relationship or the appointment of a conservator for a
1-25 child is requested, the court shall appoint an attorney ad litem to
1-26 represent the interests of:

1-27 (1) an indigent parent of the child who responds in
1-28 opposition to the termination or appointment;

1-29 (2) a parent served by citation by publication;

1-30 (3) an alleged father who failed to register with the
1-31 registry under Chapter 160 and whose identity or location is
1-32 unknown; and

1-33 (4) an alleged father who registered with the
1-34 paternity registry under Chapter 160, but the petitioner's attempt
1-35 to personally serve citation at the address provided to the
1-36 registry and at any other address for the alleged father known by
1-37 the petitioner has been unsuccessful.

1-38 (a-1) In a suit described by Subsection (a), if a parent is
1-39 not represented by an attorney at the parent's first appearance in
1-40 court, the court shall inform the parent of:

1-41 (1) the right to be represented by an attorney; and

1-42 (2) if the parent is indigent and appears in
1-43 opposition to the suit, the right to an attorney ad litem appointed
1-44 by the court or an attorney selected by the parent and compensated
1-45 by the county under Section 107.01301.

1-46 SECTION 2. Subchapter B, Chapter 107, Family Code, is
1-47 amended by adding Section 107.01301 to read as follows:

1-48 Sec. 107.01301. SELECTION OF ATTORNEY AD LITEM BY INDIGENT
1-49 PARENT. (a) A parent who the court has determined is indigent for
1-50 the purposes of Section 107.013 may select an attorney to represent
1-51 the parent in a suit described by Section 107.013(a).

1-52 (b) An attorney selected by a parent under Subsection (a)
1-53 must:

1-54 (1) be licensed to practice law in this state;

1-55 (2) be in good standing with the State Bar of Texas;
1-56 and

1-57 (3) meet the applicable continuing education
1-58 requirements of Section 107.0131.

1-59 (c) The selection of an attorney by a parent under
1-60 Subsection (a) is independent of any appointment system implemented

2-1 by the court, including the rotation system described by Section
2-2 37.004, Government Code. The court may not take any action that
2-3 influences, directs, or interferes with the selection of an
2-4 attorney by a parent under Subsection (a).

2-5 (d) An attorney selected by a parent under Subsection (a)
2-6 shall serve as the parent's counsel of record upon filing with the
2-7 court a notice of appearance and, if the parent is represented by
2-8 other counsel, a motion to substitute counsel with the court. The
2-9 filing of the notice and, if applicable, the motion is a ministerial
2-10 act and does not require the approval of the court. The court's
2-11 review of a notice and motion filed under this subsection shall be
2-12 limited to confirming the attorney meets the requirements of
2-13 Subsection (b). Upon confirming an attorney selected by a parent
2-14 under Subsection (a) meets the requirements of Subsection (b), the
2-15 court shall:

2-16 (1) grant attorney's motion to substitute counsel, if
2-17 applicable; and

2-18 (2) terminate the appointment of any previously
2-19 appointed attorney ad litem for the parent.

2-20 (e) A court may not:

2-21 (1) deny or delay approval of a motion under
2-22 Subsection (d) except to confirm that the attorney meets the
2-23 requirements of Subsection (b); or

2-24 (2) impose any additional requirements on the attorney
2-25 other than those described by Subsection (b).

2-26 (f) An attorney serving as attorney ad litem for a parent
2-27 under this section:

2-28 (1) has the powers and duties described by Section
2-29 107.0131 or 107.0132, as applicable; and

2-30 (2) is subject to disciplinary action as provided by
2-31 Section 107.0133.

2-32 (g) Payment for services rendered by an attorney serving as
2-33 attorney ad litem for a parent under this section shall be:

2-34 (1) equal to the payments made to an attorney
2-35 appointed under Section 107.013 to serve as attorney ad litem for an
2-36 indigent parent;

2-37 (2) made in accordance with existing payment
2-38 procedures applicable to an attorney appointed under Section
2-39 107.013 to serve as attorney ad litem for an indigent parent; and

2-40 (3) paid from the general funds of the county.

2-41 (h) A court may not adopt or enforce local rules that
2-42 conflict with this section, impose additional requirements on the
2-43 selection of an attorney under this section, or otherwise interfere
2-44 with the right of a parent to select an attorney under Subsection
2-45 (a). Interference with the selection of an attorney by a parent
2-46 under Subsection (a) for financial gain or favoritism is a
2-47 violation of judicial ethics and may subject a judge to discipline
2-48 under the Code of Judicial Conduct or prosecution under the penal
2-49 laws of this state, including Section 36.02 or 36.08, Penal Code, as
2-50 applicable.

2-51 (i) This section does not limit the authority of a court to
2-52 remove an attorney for good cause under applicable law.

2-53 (j) The Office of Court Administration of the Texas Judicial
2-54 System may adopt rules necessary to implement this section.

2-55 SECTION 3. The change in law made by this Act applies only
2-56 to a suit affecting the parent-child relationship that is filed on
2-57 or after the effective date of this Act. A suit affecting the
2-58 parent-child relationship filed before the effective date of this
2-59 Act is governed by the law in effect on the date the suit was filed,
2-60 and the former law is continued in effect for that purpose.

2-61 SECTION 4. As soon as practicable after the effective date
2-62 of this Act but not later than January 1, 2026, the Office of Court
2-63 Administration of the Texas Judicial System shall adopt rules
2-64 necessary to implement Section 107.01301, Family Code, as added by
2-65 this Act.

2-66 SECTION 5. This Act takes effect September 1, 2025.

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