

By: Moody

H.B. No. 5551

A BILL TO BE ENTITLED

AN ACT

Relating to the appointment of attorneys ad litem and the compensation of certain attorneys ad litem in suits affecting the parent-child relationship filed by a governmental entity.

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

SECTION 1. Section 107.015, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f) to read as follows:

(a) An attorney appointed under this chapter, chapter 262, or chapter 264 to serve as an attorney ad litem for a child, an attorney in the dual role, or an attorney ad litem for a parent is entitled to reasonable fees and expenses in the amount set by the court to be paid by the parents of the child unless the parents are indigent.

(c) If indigency of the parents is shown, an attorney ad litem appointed to represent a child or parent in a suit filed by a governmental entity under Title 5 who is not an employee of an office of child representation, office of parent representation, or other entity that uses public money to provide legal representation to children or parents in a suit filed by a governmental entity under Title 5 shall be paid from the general funds of the county according to the fee schedule adopted under Section 107.0155 ~~[that applies to an attorney appointed to represent a child in a suit under Title 3 as provided by~~

~~Chapter 51~~]. The court may not award attorney ad litem fees under this chapter against the state, a state agency, or a political subdivision of the state except as provided by this subsection.

(e) A court may remove a person from the list maintained by the court of persons qualified for appointment as attorney or guardian ad litem if, after notice and a hearing, the court determines the person submitted a voucher or claim for payment under Subsection (d) for services the person did not perform.

(f) A person whose voucher or claim for payment under Subsection (d) was denied or modified by the court or has not been approved by the court by the 60th day after the date the voucher or claim for payment was submitted may file a petition addressed to the presiding judge of the administrative judicial region to compel payment or to appeal the denial or modification of the payment. The presiding judge of the administrative judicial region shall review the petition for payment filed under this section, determine the amount due to the petitioner, and order the commissioners court to pay that amount not later than the 45th day after the date a petition is filed under this subsection. The presiding judge of the administrative judicial region may hold a hearing in a proceeding described by this subsection.

SECTION 2. Part 1, Subchapter B, Chapter 107, Family Code, is amended by adding Section 107.0155 to read as follows:

Sec. 107.0155. FEE SCHEDULE FOR CERTAIN ATTORNEYS AD LITEM.

(a) Each court in a county hearing suits filed by a governmental entity under Title 5 shall jointly develop, adopt, and submit to the commissioners court of the county a fee schedule for the

1 compensation of an attorney ad litem described by Section
2 107.015(c) that includes:

3 (1) payments for:

4 (A) time spent in court making an appearance on
5 behalf of the parent or child in the case, including in an
6 appellate court; and

7 (B) reasonable and necessary time spent out of
8 court on the case, including in the preparation of an appeal; and

9 (2) reimbursement for reasonable and necessary
10 expenses.

11 (b) A fee schedule adopted under Subsection (a) must:

12 (1) describe with specificity services and expenses
13 eligible for payment or reimbursement;

14 (2) include an hourly or fixed payment rate based on:

15 (A) reasonable and necessary time spent on a
16 case;

17 (B) reasonable and necessary overhead costs
18 associated with a case; and

19 (C) the availability of qualified attorneys
20 willing to serve at the rate; and

21 (3) include a form for the itemization of services and
22 expenses for a claim for payment under Section 107.015(d).

23 SECTION 3. Section 107.252, Family Code, is amended to read
24 as follows:

25 Sec. 107.252. APPLICABILITY. This subchapter applies to a
26 suit filed by a governmental entity seeking termination of the
27 parent-child relationship or the appointment of a conservator for

1 a child in which appointment of an attorney is
2 required under Section 107.012 or 107.013 or a suit filed under
3 Subtitle E.

4 SECTION 4. Section 107.254, Family Code, is amended to read
5 as follows:

6 Sec. 107.254. OFFICE OF CHILD REPRESENTATION. An office of
7 child representation is an entity that uses public money to provide
8 legal representation and services for a child in a suit filed by
9 a governmental entity seeking termination of the parent-child
10 relationship or the appointment of a conservator for the child in
11 which appointment is mandatory for a child under Section 107.012
12 or suits filed under Subtitle E.

13 SECTION 5. Section 107.255, Family Code, is amended to
14 read as follows:

15 Sec. 107.255. OFFICE OF PARENT REPRESENTATION. An office
16 of parent representation is an entity that uses public money to
17 provide legal representation and services for a parent in a suit
18 filed by a governmental entity seeking termination of the
19 parent-child relationship or the appointment of a conservator for
20 a child in which appointment is mandatory for a parent under
21 Section 107.013 or suits filed under Subtitle E.

22 SECTION 6. Section 107.260(a), Family Code, is amended to
23 read as follows:

24 a) If there is an office of child representation or office of
25 parent representation serving a county, a court in that county
26 shall appoint for a child or parent, as applicable, an attorney
27 from the office in a suit filed in the county by a governmental

1 entity in which appointment of an attorney is required under
2 Section 107.012, 107.013, or Subtitle E [~~seeking termination of~~
3 ~~the parent-child relationship~~] unless there is a conflict of
4 interest or other reason to appoint a different attorney from
5 the list maintained by the court of attorneys qualified for
6 appointment under Section 107.012 or 107.013.

7 SECTION 7. Section 107.302(a), Family Code, is amended to
8 read as follows:

9 (a) A managed assigned counsel program may be operated with
10 public money for the purpose of appointing counsel to provide legal
11 representation and services for a child or parent in a suit filed
12 by a governmental entity in which appointment is mandatory for a
13 child under Section 107.012, for a parent under Section 107.013,
14 or Subtitle E.

15 SECTION 8. Section 107.307(a), Family Code, is amended to
16 read as follows:

17 (a) The judge of a county served by a program shall make any
18 appointment required under Section 107.012, ~~or 107.013 in a suit~~
19 ~~filed in the county by a governmental entity seeking termination~~
20 ~~of the parent-child relationship or the appointment of a~~
21 ~~conservator for the child,~~ or Subtitle E from the program's public
22 appointment list, unless there is a conflict of interest or other
23 reason to appoint a different attorney from the list maintained by
24 the court of attorneys qualified for appointment under Section
25 107.012 or 107.013.

26 SECTION 9. Sections 107.252, 107.254, 107.255, 107.260(a),
27 107.302(a), and 107.307(a), Family Code, as amended by this Act,

1 apply only to a suit affecting the parent-child relationship or
2 suit under Subtitle E filed by a governmental entity on or after
3 the effective date of this Act.

4 SECTION 10. (a) Not later than January 1, 2026, the courts in
5 each county hearing suits filed by a governmental entity under
6 Title 5, Family Code, shall adopt the fee schedule required by
7 Section 107.0155, Family Code, as added by this Act.

8 (b) Section 107.015(c), Family Code, as amended by this Act,
9 and Section 107.0155, Family Code, as added by this Act, apply
10 only to an attorney ad litem appointed on or after January 1, 2026.

11 SECTION 11. This Act takes effect September 1, 2025.