

1 AN ACT

2 relating to appointments made in and the appeal of certain suits  
3 affecting the parent-child relationship.

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

5 SECTION 1. Section 107.013, Family Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) A parent who the court has determined is indigent for  
8 purposes of this section is presumed to remain indigent for the  
9 duration of the suit and any subsequent appeal unless the court,  
10 after reconsideration on the motion of the parent, the attorney ad  
11 litem for the parent, or the attorney representing the governmental  
12 entity, determines that the parent is no longer indigent due to a  
13 material and substantial change in the parent's financial  
14 circumstances.

15 SECTION 2. Section 107.016, Family Code, is amended to read  
16 as follows:

17 Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF  
18 APPOINTMENT. In a suit filed by a governmental entity in which  
19 termination of the parent-child relationship or appointment of the  
20 entity as conservator of the child is requested:

21 (1) [7] an order appointing the Department of Family  
22 and Protective [and Regulatory] Services as the child's managing  
23 conservator may provide for the continuation of the appointment of  
24 the guardian ad litem or attorney ad litem for the child for any

1 period set by the court; and

2 (2) an attorney appointed under this subchapter to  
3 serve as an attorney ad litem for a parent or an alleged father  
4 continues to serve in that capacity until the earliest of:

5 (A) the date the suit affecting the parent-child  
6 relationship is dismissed;

7 (B) the date all appeals in relation to any final  
8 order terminating parental rights are exhausted or waived; or

9 (C) the date the attorney is relieved of the  
10 attorney's duties or replaced by another attorney after a finding  
11 of good cause is rendered by the court on the record.

12 SECTION 3. Section 109.002(a), Family Code, is amended to  
13 read as follows:

14 (a) An appeal from a final order rendered in a suit, when  
15 allowed under this section or under other provisions of law, shall  
16 be as in civil cases generally under the Texas Rules of Appellate  
17 Procedure. An appeal in a suit in which termination of the  
18 parent-child relationship is in issue shall be given precedence  
19 over other civil cases and shall be accelerated by the appellate  
20 courts. The procedures for an accelerated appeal under the Texas  
21 Rules of Appellate Procedure apply to an appeal in which the  
22 termination of the parent-child relationship is in issue.

23 SECTION 4. Sections 263.405(a), (b), and (c), Family Code,  
24 are amended to read as follows:

25 (a) An appeal of a final order rendered under this  
26 subchapter is governed by the procedures [~~rules of the supreme~~  
27 ~~court~~] for accelerated appeals in civil cases under the Texas Rules

1 of Appellate Procedure [~~and the procedures provided by this~~  
2 ~~section~~]. The appellate court shall render its final order or  
3 judgment with the least possible delay.

4 (b) A final order rendered under this subchapter must  
5 contain the following prominently displayed statement in boldfaced  
6 type, in capital letters, or underlined: "A PARTY AFFECTED BY THIS  
7 ORDER HAS THE RIGHT TO APPEAL. AN APPEAL IN A SUIT IN WHICH  
8 TERMINATION OF THE PARENT-CHILD RELATIONSHIP IS SOUGHT IS GOVERNED  
9 BY THE PROCEDURES FOR ACCELERATED APPEALS IN CIVIL CASES UNDER THE  
10 TEXAS RULES OF APPELLATE PROCEDURE. FAILURE TO FOLLOW THE TEXAS  
11 RULES OF APPELLATE PROCEDURE FOR ACCELERATED APPEALS MAY RESULT IN  
12 THE DISMISSAL OF THE APPEAL." [~~Not later than the 15th day after the~~  
13 ~~date a final order is signed by the trial judge, a party who intends~~  
14 ~~to request a new trial or appeal the order must file with the trial~~  
15 ~~court.~~

16 [~~(1) a request for a new trial, or~~  
17 [~~(2) if an appeal is sought, a statement of the point~~  
18 ~~or points on which the party intends to appeal.]~~

19 (c) The supreme court shall adopt rules accelerating the  
20 disposition by the appellate court and the supreme court of an  
21 appeal of a final order granting termination of the parent-child  
22 relationship rendered under this subchapter. [~~A motion for a new~~  
23 ~~trial, a request for findings of fact and conclusions of law, or any~~  
24 ~~other post-trial motion in the trial court does not extend the~~  
25 ~~deadline for filing a notice of appeal under Rule 26.1(b), Texas~~  
26 ~~Rules of Appellate Procedure, or the deadline for filing an~~  
27 ~~affidavit of indigence under Rule 20, Texas Rules of Appellate~~

1 ~~Procedure.]~~

2 SECTION 5. Sections 263.405(b-1), (d), (e), (f), (g), (h),  
3 and (i), Family Code, are repealed.

4 SECTION 6. The Supreme Court of Texas shall adopt rules of  
5 appellate procedure as required by Section 263.405(c), Family Code,  
6 as amended by this Act, as soon as practicable after the effective  
7 date of this Act, but not later than March 1, 2012.

8 SECTION 7. Section 107.013(e), Family Code, as added by  
9 this Act, and Section 107.016, Family Code, as amended by this Act,  
10 apply only to a suit affecting the parent-child relationship  
11 pending in a trial court on or filed on or after the effective date  
12 of this Act.

13 SECTION 8. Sections 109.002(a) and 263.405(a) and (b),  
14 Family Code, as amended by this Act, apply only to a final order  
15 rendered on or after the effective date of this Act. A final order  
16 rendered before the effective date of this Act is governed by the  
17 law in effect on the date the order was rendered, and the former law  
18 is continued in effect for that purpose.

19 SECTION 9. This Act takes effect September 1, 2011.

David Newkurt  
President of the Senate

Joe Straus  
Speaker of the House

I certify that H.B. No. 906 was passed by the House on March 30, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 906 on May 5, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 906 was passed by the Senate, with amendments, on April 29, 2011, by the following vote: Yeas 31, Nays 0.

Astley Spaw  
Secretary of the Senate

APPROVED: 19 MAY '11  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5:30pm O'CLOCK

MAY 19 2011  
Boyer McArthur  
Secretary of State