

**Amicus Bill – Amendment of Family Code §§ 107.003, 107.005,
107.0051 and 107.007**

See Accompanying Bill Analysis for Narrative Explanation.

The proposed legislation has not previously been submitted to the legislature.

The proposed legislation has been submitted to all sections and committees of the State bar of Texas as required by §8.01.06(D) of the Legislative Policy of the State Bar of Texas. If comments are received, I will forward them to the State Bar.

Respectfully submitted,

Family Law Section, State Bar of Texas
By: /s/ Jack W. Marr
Its: Co-Chair Legislative Committee

AMICUS BILL ANALYSIS

Summary of Bill – A complete overhaul of Texas Family Code Chapter 107.005. The prior statute will be replaced with a new approach consistent with Chapter 107, Subchapter D which pertains to child custody evaluations.

Purpose of the Bill – The purpose of the bill is to establish consistent qualifications, powers and duties of a court appointed amicus attorney. It also requires that a specific order be entered which sets out the duties the court requires of the amicus attorney. The bill also outlines the basis for conflicts and determining bias.

Existing Problem – The existing problem is that the current amicus attorney statute does not require the attorney appointed as an amicus have training in the subject matter and allows an amicus attorney to express opinions regarding possession, access and domicile restrictions. This has led to some judges appointing unqualified attorneys as amicus attorneys which has resulted in problems in litigation that would have been avoided had a more qualified attorney been appointed. Under the current statute, the parties are prevented from conducting discovery to determine if the attorney appointed amicus attorney actually performed the duties required by the statute and to determine how their opinions were formed.

Summary of the Impact of the Bill – Families in high conflict litigation will be better served and their children will be more protected from unnecessary issues.