

By: King of Parker, Bonnen of Galveston,
Burkett, Huberty, Flynn

H.B. No. 723

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a guardian ad litem and attorney ad litem for a minor in an application for a court order authorizing the minor to consent to an abortion.

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

SECTION 1. Sections 33.003(e) and (i), Family Code, are amended to read as follows:

(e) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. The ~~[If the guardian ad litem is an attorney admitted to the practice of law in this state, the]~~ court may not appoint the guardian ad litem to serve as the minor's attorney. The court may not appoint the minor's attorney to be the guardian ad litem for the minor.

(i) The court shall determine by a preponderance of the evidence whether the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, and ~~[or]~~ whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, and ~~[or]~~ that notification may lead to physical, sexual, or emotional abuse

1 of the minor, the court shall enter an order authorizing the minor
2 to consent to the performance of the abortion without notification
3 to either of her parents or a managing conservator or guardian and
4 shall execute the required forms.

5 SECTION 2. The change in law made by this Act applies only
6 to an application for a court order authorizing a minor to consent
7 to an abortion filed under Section 33.003, Family Code, as amended
8 by this Act, on or after the effective date of this Act. An
9 application filed before the effective date of this Act is governed
10 by the law as it existed at the time the application was filed, and
11 that law is continued in effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2015.