

By: Huffman

S.B. No. 912

A BILL TO BE ENTITLED

AN ACT

relating to certain powers of an associate judge under the Family Code.

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

SECTION 1. Sections 201.007(a) and (c), Family Code, are amended to read as follows:

(a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for:
  - (A) the appearance of witnesses; and
  - (B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the

1 associate judge;

2 (12) order the attachment of a witness or party who  
3 fails to obey a subpoena;

4 (13) order the detention of a witness or party found  
5 guilty of contempt, pending approval by the referring court as  
6 provided by Section 201.013;

7 (14) without prejudice to the right to a de novo  
8 hearing before the referring court ~~[of appeal]~~ under Section  
9 201.015, render and sign:

10 (A) a final order agreed to in writing as to both  
11 form and substance by all parties;

12 (B) a final default order;

13 (C) a temporary order; or

14 (D) a final order in a case in which a party files  
15 an unrevoked waiver made in accordance with Rule 119, Texas Rules of  
16 Civil Procedure, that waives notice to the party of the final  
17 hearing or waives the party's appearance at the final hearing;

18 (15) take action as necessary and proper for the  
19 efficient performance of the associate judge's duties; and

20 (16) render and sign a final order that includes a  
21 waiver of the right to a de novo hearing before the referring court  
22 under ~~[of appeal pursuant to]~~ Section 201.015.

23 (c) An order described by Subsection (a)(14) or (16) that is  
24 rendered and signed by an associate judge constitutes an order of  
25 the referring court.

26 SECTION 2. Section 201.013(b), Family Code, is amended to  
27 read as follows:

1 (b) Except as provided by Section 201.007(c), if a request  
2 for a de novo hearing before the referring court is not timely filed  
3 ~~[or the right to a de novo hearing before the referring court is~~  
4 ~~waived]~~, the proposed order or judgment of the associate judge  
5 becomes the order or judgment of the referring court only on the  
6 referring court's signing the proposed order or judgment.

7 SECTION 3. Section 201.014(a), Family Code, is amended to  
8 read as follows:

9 (a) Except as otherwise provided in this subchapter, unless  
10 ~~[Unless]~~ a party files a written request for a de novo hearing  
11 before the referring court, the referring court may:

12 (1) adopt, modify, or reject the associate judge's  
13 proposed order or judgment;

14 (2) hear further evidence; or

15 (3) recommit the matter to the associate judge for  
16 further proceedings.

17 SECTION 4. Section 201.016(c), Family Code, is amended to  
18 read as follows:

19 (c) The date an agreed order, ~~[or]~~ a default order, or a  
20 final order that includes a waiver of the right to a de novo hearing  
21 before the referring court under Section 201.015 is signed by an  
22 associate judge is the controlling date for the purpose of an appeal  
23 to, or a request for other relief relating to the order from, a  
24 court of appeals or the supreme court.

25 SECTION 5. The changes in law made by this Act apply to a  
26 final order signed by an associate judge before, on, or after the  
27 effective date of this Act.

1           SECTION 6. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.