

By: Clardy

H.B. No. 1365

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for transferring certain cases and proceedings between courts.

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

SECTION 1. Section 155.207, Family Code, is amended to read as follows:

Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than the 10th working day after the date an order of transfer is signed, the clerk of the court transferring a proceeding shall send, using the electronic filing system established under Section 72.031, Government Code, to the proper court in the county to which transfer is being made:

(1) a transfer certificate and index of transferred documents [~~the pleadings in the pending proceeding and any other document specifically requested by a party~~];

(2) [~~certified copies of all entries in the minutes,~~

~~(3)] a [certified] copy of each final order;~~

(3) [~~and~~

~~(4)] a [certified] copy of the order of transfer signed by the transferring court;~~

(4) a copy of the original papers filed in the transferring court;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

1 (6) a bill of any costs that have accrued in the
2 transferring court.

3 (a-1) The clerk of the transferring court shall use the
4 standardized transfer certificate and index of transferred
5 documents form created by the Office of Court Administration of the
6 Texas Judicial System under Section 72.037, Government Code, when
7 transferring a proceeding under this section.

8 (b) The clerk of the transferring court shall keep a copy of
9 ~~[the] transferred pleadings [and other requested documents. If the~~
10 ~~transferring court retains jurisdiction of another child who was~~
11 ~~the subject of the suit, the clerk shall send a copy of the~~
12 ~~pleadings and other requested documents to the court to which the~~
13 ~~transfer is made and shall keep the original pleadings and other~~
14 ~~requested documents].~~

15 (c) The ~~[On receipt of the pleadings, documents, and orders~~
16 ~~from the transferring court, the]~~ clerk of the transferee court
17 shall:

18 (1) accept documents transferred under Subsection
19 (a);

20 (2) docket the suit; and

21 (3) [shall] notify, using the electronic filing system
22 established under Section 72.031, Government Code ~~[the judge of the~~
23 ~~transferee court]~~, all parties, the clerk of the transferring
24 court, and, if appropriate, the transferring court's local registry
25 that the suit has been docketed.

26 (c-1) The clerk of the transferee court shall physically or
27 electronically mark or stamp the transfer certificate and index of

1 transferred documents to evidence the date and time of acceptance
2 under Subsection (c), but may not physically or electronically mark
3 or stamp any other document transferred under Subsection (a).

4 (d) The clerk of the transferring court shall send a
5 certified copy of the order directing payments to the transferee
6 court:

7 (1) [~~r~~] to any party [~~or employer~~] affected by the
8 [~~that~~] order, and, if appropriate, to the local registry of the
9 transferee court using the electronic filing system established
10 under Section 72.031, Government Code; and

11 (2) to an employer affected by the order
12 electronically or by first class mail.

13 (e) The clerks of both the transferee and transferring
14 courts may each produce under Chapter 51, Government Code,
15 certified or uncertified copies of documents filed in a case
16 transferred under this section, but shall also include a copy of the
17 transfer certificate and index of transferred documents with each
18 document produced.

19 (f) Sections 80.001 and 80.002, Government Code, do not
20 apply to the transfer of documents under this section.

21 SECTION 2. Section 51.3071, Government Code, is amended to
22 read as follows:

23 Sec. 51.3071. TRANSFER OF CASES. (a) If a case is
24 transferred from a district court to a county court, the clerk of
25 the district court shall [~~may~~] send to the county clerk, using the
26 electronic filing system established under Section 72.031 [~~in~~
27 ~~electronic or paper form~~]:

1 (1) a transfer certificate and index of transferred
2 documents [~~certified transcript of the proceedings held in the~~
3 ~~district court~~];

4 (2) a copy of the original papers filed in the
5 transferring [~~district~~] court; [~~and~~]

6 (3) a copy of the order of transfer signed by the
7 transferring court;

8 (4) a copy of each final order;

9 (5) a copy of the transfer certificate and index of
10 transferred documents from each previous transfer; and

11 (6) a bill of any [~~the~~] costs that have accrued in the
12 transferring [~~district~~] court.

13 (b) The clerk of the transferring court shall use the
14 standardized transfer certificate and index of transferred
15 documents form created by the Office of Court Administration of the
16 Texas Judicial System under Section 72.037 when transferring a case
17 under this section.

18 (c) The clerk of the transferee court shall accept documents
19 transferred under Subsection (a) and docket the case.

20 (d) The clerk of the transferee court shall physically or
21 electronically mark or stamp the transfer certificate and index of
22 transferred documents to evidence the date and time of acceptance
23 under Subsection (c), but may not physically or electronically mark
24 or stamp any other document transferred under Subsection (a).

25 (e) Sections 80.001 and 80.002 do not apply to the transfer
26 of documents under this section.

27 SECTION 3. Section 51.403, Government Code, is amended to

1 read as follows:

2 Sec. 51.403. TRANSFER OF CASES. (a) If a case is
3 transferred from a county court to a district court, the clerk of
4 the county court shall send to the district clerk, using the
5 electronic filing system established under Section 72.031 [~~in~~
6 ~~electronic or paper form~~]:

7 (1) a transfer certificate and index of transferred
8 documents [~~certified transcript of the proceedings held in the~~
9 ~~county court~~];

10 (2) a copy of the original papers filed in the
11 transferring [~~county~~] court; [~~and~~]

12 (3) a copy of the order of transfer signed by the
13 transferring court;

14 (4) a copy of each final order;

15 (5) a copy of the transfer certificate and index of
16 transferred documents from each previous transfer; and

17 (6) a bill of any [~~the~~] costs that have accrued in the
18 transferring [~~county~~] court.

19 (a-1) The clerk of the transferring court shall use the
20 standardized transfer certificate and index of transferred
21 documents form created by the Office of Court Administration of the
22 Texas Judicial System under Section 72.037 when transferring a case
23 under this section.

24 (a-2) The clerk of the transferee court shall accept
25 documents transferred under Subsection (a) and docket the case.

26 (a-3) The clerk of the transferee court shall physically or
27 electronically mark or stamp the transfer certificate and index of

1 transferred documents to evidence the date and time of acceptance
2 under Subsection (a-2), but may not physically or electronically
3 mark or stamp any other document transferred under Subsection (a).

4 (b) If civil or criminal jurisdiction of a county court is
5 transferred to a district court, the clerk of the county court shall
6 send, using the electronic filing system established under Section
7 72.031, a certified copy of the judgments rendered in the county
8 court that remain unsatisfied [~~, in electronic or paper form,~~] to
9 the district clerks of the appropriate counties.

10 (c) Sections 80.001 and 80.002 do not apply to the transfer
11 of documents under this section.

12 SECTION 4. Subchapter C, Chapter 72, Government Code, is
13 amended by adding Section 72.037 to read as follows:

14 Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED
15 DOCUMENTS FORM. (a) The office shall develop and make available a
16 standardized transfer certificate and an index of transferred
17 documents form to be used for the transfer of cases and proceedings
18 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
19 of this code.

20 (b) In developing a form under this section, the office
21 shall consult with representatives of county and district clerks.

22 SECTION 5. As soon as practicable after the effective date
23 of this Act, the Office of Court Administration of the Texas
24 Judicial System shall develop and make available a standardized
25 transfer certificate and an index of transferred documents form
26 required by Section 72.037, Government Code, as added by this Act.

27 SECTION 6. This Act takes effect September 1, 2021.