

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

(3) a copy of all documents required to be transferred under rules adopted by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code.

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred

1 documents form created by the Office of Court Administration of the
2 Texas Judicial System under Section 72.037, Government Code, when
3 transferring a proceeding under this section.

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

11 (c) The ~~[On receipt of the pleadings, documents, and orders~~
12 ~~from the transferring court, the]~~ clerk of the transferee court
13 shall:

14 (1) accept documents transferred under Subsection
15 (a);

16 (2) docket the suit; and

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

22 (c-1) The clerk of the transferee court shall physically or
23 electronically mark or stamp the transfer certificate and index of
24 transferred documents to evidence the date and time of acceptance
25 under Subsection (c), but may not physically or electronically mark
26 or stamp any other document transferred under Subsection (a).

27 (d) The clerk of the transferring court shall send a

1 certified copy of the order directing payments to the transferee
2 court:

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

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

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

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

17 SECTION 2. Section 51.3071, Government Code, is amended to
18 read as follows:

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

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

27 (2) a copy of the order of transfer signed by the

1 transferring court [~~the original papers filed in the district~~
2 ~~court~~]; and

3 (3) a copy of all documents required to be transferred
4 under rules adopted by the Office of Court Administration of the
5 Texas Judicial System under Section 72.037 [~~a bill of the costs that~~
6 ~~have accrued in the district court~~].

7 (b) The clerk of the transferring court shall use the
8 standardized transfer certificate and index of transferred
9 documents form created by the Office of Court Administration of the
10 Texas Judicial System under Section 72.037 when transferring a case
11 under this section.

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

14 (d) The clerk of the transferee court shall physically or
15 electronically mark or stamp the transfer certificate and index of
16 transferred documents to evidence the date and time of acceptance
17 under Subsection (c), but may not physically or electronically mark
18 or stamp any other document transferred under Subsection (a).

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

21 SECTION 3. Section 51.403, Government Code, is amended to
22 read as follows:

23 Sec. 51.403. TRANSFER OF CASES. (a) If a case is
24 transferred from a county court to a district court, the clerk of
25 the county court shall send to the district 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 ~~county court~~];

4 (2) a copy of the order of transfer signed by the
5 transferring court [~~the original papers filed in the county court~~];
6 and

7 (3) a copy of all documents required to be transferred
8 under rules adopted by the Office of Court Administration of the
9 Texas Judicial System under Section 72.037 [~~a bill of the costs that~~
10 ~~have accrued in the county court~~].

11 (a-1) The clerk of the transferring court shall use the
12 standardized transfer certificate and index of transferred
13 documents form created by the Office of Court Administration of the
14 Texas Judicial System under Section 72.037 when transferring a case
15 under this section.

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

18 (a-3) The clerk of the transferee court shall physically or
19 electronically mark or stamp the transfer certificate and index of
20 transferred documents to evidence the date and time of acceptance
21 under Subsection (a-2), but may not physically or electronically
22 mark or stamp any other document transferred under Subsection (a).

23 (b) If civil or criminal jurisdiction of a county court is
24 transferred to a district court, the clerk of the county court shall
25 send using the electronic filing system established under Section
26 72.031 a certified copy of the judgments rendered in the county
27 court that remain unsatisfied [~~, in electronic or paper form,~~] to

1 the district clerks of the appropriate counties.

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

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

6 Sec. 72.037. PROCEDURE FOR TRANSFER OF CASES AND
7 PROCEEDINGS. (a) The office shall adopt rules prescribing the
8 documents to be transferred between courts when a transfer of a case
9 or proceeding is ordered under Section 155.207, Family Code, or
10 Section 51.3071 or 51.403 of this code.

11 (b) Rules adopted under this section must require the
12 transfer of the following documents relating to a transferred case
13 or proceeding:

14 (1) a copy of the original papers filed in the
15 transferring court;

16 (2) a copy of each final order;

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

19 (4) a bill of any costs that have accrued in the
20 transferring court.

21 (c) The office shall develop and make available a
22 standardized transfer certificate and index of transferred
23 documents form to be used for the transfer of cases and proceedings
24 under Section 155.207, Family Code, and Sections 51.3071 and 51.403
25 of this code.

26 (d) In adopting rules and developing forms under this
27 section, the office shall consult with representatives of county

1 and district clerks.

2 SECTION 5. As soon as practicable after the effective date
3 of this Act, the Office of Court Administration of the Texas
4 Judicial System shall adopt rules and develop and make available
5 all forms and materials required by Section 72.037, Government
6 Code, as added by this Act.

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