

## **BILL ANALYSIS**

H.B. 821  
By: Goodman  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Section 201.011, Family Code, provides that an associate judge must provide the parties participating in the hearing notice of the substance of the associate judge's report. It states that notice may be given to the parties in open court, by an oral statement or a copy of the associate judge's written report, including any proposed order, or it may be sent by certified mail with a return receipt requested. If notice is given by certified mail, the associate judge must certify the date of mailing of notice by certified mail. Notice is considered given on the third day after the date of mailing.

H.B.821 adds that such notice of the associate judge's report may also be given by facsimile transmission and that, if notice is done by fax, the associate judge must certify the date of the facsimile transmission. This bill also provides that if notice is sent by certified mail or fax there is a rebuttable presumption that notice is received on the date on the signed return receipt of certified mail or the confirmation page of the fax.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

Section 1. Amends Section 201.011(c) by adding that notice may be given to the parties by a facsimile transmission, and amends Section 201.011(d) by adding that the associate judge shall certify the date of mailing of notice by certified mail or the date of the facsimile transmission. There is a rebuttable presumption that notice is received on the date stated on the signed return receipt, if notice was provided by certified mail, or the confirmation page produced by a facsimile machine, if notice was provided by the facsimile transmission.

Section 2. This Act takes effect September 1, 2003.

### **EFFECTIVE DATE**

September 1, 2003.