

BILL ANALYSIS

H.B. 883
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The position of associate judge in the Family Code was enacted to help clear a significant backlog of cases and help litigants resolve their legal issues in a timely manner. Currently, associate judges in Chapter 201, Subchapter A, Family Code, recommend to the judge of the referring court what action should occur. The workload of many judges still causes a paperwork and time lag from the time the associate judge makes a recommendation to the time the documents are actually reviewed and signed by the referring judge.

H.B. 883 would allow associate judges to render and sign an agreed order or a default order, thereby further expediting finalization of some cases and reducing the administrative workload of the judge of the referring court.

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 201.007 (a), Family Code, to add that an associate judge may render and sign an agreed order or a default order. Clarifies that an agreed order or a default order rendered and signed by an associate judge under this subsection constitutes an order of the referring court.

Section 2. Amends Section 201.013(b), Family Code, provides that except as provided by Section 201.007 (c), if an appeal to the referring court is not filed or the right to an appeal to the referring court is waived, the findings and recommendations of the associate judge become the order of the referring court only on the referring court's signing an order conforming to the associate judge's report.

Section 3. Amends Section 201.016, Family Code, by amending (b) to provide that the date an order of judgement by the referring court is signed is the controlling date for purposes of appeal. Amends Section 201.016, Family Code, by adding (c) to provide that the date an agreed order or default order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from a court of appeals or the supreme court.

Section 4. This Act takes effect September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

