

BILL ANALYSIS

Senate Research Center

H.B. 883
By: Dutton (Lucio)
Jurisprudence
5/8/2003
Committee Report (Amended)

DIGEST 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 allows associate judges to render and sign an agreed order or a default order.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.007, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

Sec. 201.007. POWERS OF ASSOCIATE JUDGE. (a) Authorizes an associate judge, except as limited by an order of referral, to perform certain acts, including rendering and signing an agreed order or a default order.

(c) Provides that an agreed order or a default order rendered and signed by an associate judge under Subsection (a) constitutes an order of the referring court.

SECTION 2. Amends Section 201.013(b), Family Code, to provide 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 Subsection (b) and adding Subsection (c), as follows:

(b) Provides that except as provided by Subsection (c), the date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) Provides that the date an agreed order or a 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. Effective date: September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No. 1:

On page 2, lines 3-4, strike Section 201.007(A) (14) (A and B) and substitute “(A) a final order agreed to in writing as to both form and substance by all parties; or (B) a final default order; and”.