

By: Dutton

H.B. No. 883

A BILL TO BE ENTITLED

AN ACT

relating to the powers of an associate judge under the Family Code.

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

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

Sec. 201.007. POWERS OF ASSOCIATE JUDGE. (a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a subpoena;
- (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as

1 provided by Section 201.013; ~~and~~

2 (14) render and sign:

3 (A) an agreed order; or

4 (B) a default order; and

5 (15) [~~14~~] take action as necessary and proper for
6 the efficient performance of the associate judge's duties.

7 (c) An agreed order or a default order rendered and signed
8 by an associate judge under Subsection (a) constitutes an order of
9 the referring court.

10 SECTION 2. Section 201.013(b), Family Code, is amended to
11 read as follows:

12 (b) Except as provided by Section 201.007(c), if [~~if~~] an
13 appeal to the referring court is not filed or the right to an appeal
14 to the referring court is waived, the findings and recommendations
15 of the associate judge become the order of the referring court only
16 on the referring court's signing an order conforming to the
17 associate judge's report.

18 SECTION 3. Section 201.016, Family Code, is amended by
19 amending Subsection (b) and adding Subsection (c) to read as
20 follows:

21 (b) Except as provided by Subsection (c), the [~~The~~] date an
22 order or judgment by the referring court is signed is the
23 controlling date for the purposes of appeal to or request for other
24 relief from a court of appeals or the supreme court.

25 (c) The date an agreed order or a default order is signed by
26 an associate judge is the controlling date for the purpose of an
27 appeal to, or a request for other relief relating to the order from,

1 a court of appeals or the supreme court.

2 SECTION 4. This Act takes effect September 1, 2003.