

1-1 By: Dutton (Senate Sponsor - Lucio) H.B. No. 883
1-2 (In the Senate - Received from the House March 31, 2003;
1-3 April 3, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 9, 2003, reported favorably, as amended, by the
1-5 following vote: Yeas 6, Nays 0; May 9, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Lucio

1-7 Amend H.B. No. 883 by striking Section 201.007(A)(14)(A and
1-8 B)(House Engrossment Page 1, Line 38-39), and substituting "(A) a
1-9 final order agreed to in writing as to both form and substance by
1-10 all parties; or (B) a final default order; and".

1-11 A BILL TO BE ENTITLED
1-12 AN ACT

1-13 relating to the powers of an associate judge under the Family Code.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 201.007, Family Code, is amended by
1-16 amending Subsection (a) and adding Subsection (c) to read as
1-17 follows:

1-18 Sec. 201.007. POWERS OF ASSOCIATE JUDGE. (a) Except as
1-19 limited by an order of referral, an associate judge may:

- 1-20 (1) conduct a hearing;
- 1-21 (2) hear evidence;
- 1-22 (3) compel production of relevant evidence;
- 1-23 (4) rule on the admissibility of evidence;
- 1-24 (5) issue a summons for the appearance of witnesses;
- 1-25 (6) examine a witness;
- 1-26 (7) swear a witness for a hearing;
- 1-27 (8) make findings of fact on evidence;
- 1-28 (9) formulate conclusions of law;
- 1-29 (10) recommend an order to be rendered in a case;
- 1-30 (11) regulate all proceedings in a hearing before the
1-31 associate judge;
- 1-32 (12) order the attachment of a witness or party who
1-33 fails to obey a subpoena;
- 1-34 (13) order the detention of a witness or party found
1-35 guilty of contempt, pending approval by the referring court as
1-36 provided by Section 201.013; ~~and~~
- 1-37 (14) render and sign:
 - 1-38 (A) an agreed order; or
 - 1-39 (B) a default order; and
- 1-40 (15) [~~14~~] take action as necessary and proper for
1-41 the efficient performance of the associate judge's duties.

1-42 (c) An agreed order or a default order rendered and signed
1-43 by an associate judge under Subsection (a) constitutes an order of
1-44 the referring court.

1-45 SECTION 2. Section 201.013(b), Family Code, is amended to
1-46 read as follows:

1-47 (b) Except as provided by Section 201.007(c), if [~~if~~] an
1-48 appeal to the referring court is not filed or the right to an appeal
1-49 to the referring court is waived, the findings and recommendations
1-50 of the associate judge become the order of the referring court only
1-51 on the referring court's signing an order conforming to the
1-52 associate judge's report.

1-53 SECTION 3. Section 201.016, Family Code, is amended by
1-54 amending Subsection (b) and adding Subsection (c) to read as
1-55 follows:

1-56 (b) Except as provided by Subsection (c), the [~~The~~] date an
1-57 order or judgment by the referring court is signed is the
1-58 controlling date for the purposes of appeal to or request for other
1-59 relief from a court of appeals or the supreme court.

1-60 (c) The date an agreed order or a default order is signed by
1-61 an associate judge is the controlling date for the purpose of an
1-62 appeal to, or a request for other relief relating to the order from,

2-1 a court of appeals or the supreme court.

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

2-3 * * * * *