

By: Dutton

H.B. No. 1179

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of an associate judge in certain family
3 law cases.

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

5 SECTION 1. Sections 201.007(a) and (c), Family Code, are
6 amended to read as follows:

7 (a) Except as limited by an order of referral, an associate
8 judge may:

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

1 provided by Section 201.013;

2 (14) render and sign:

3 (A) a final order agreed to in writing as to both
4 form and substance by all parties; ~~or~~

5 (B) a final default order; or

6 (C) a temporary order; and

7 (15) take action as necessary and proper for the
8 efficient performance of the associate judge's duties.

9 (c) An agreed order, ~~or~~ a default order, or a temporary
10 order rendered and signed by an associate judge under Subsection
11 (a) constitutes an order of the referring court.

12 SECTION 2. The change in law made by this Act applies to a
13 proceeding under Title 1, 4, or 5, Family Code, pending before a
14 trial court on, or filed on or after, the effective date of this
15 Act.

16 SECTION 3. This Act takes effect September 1, 2005.