

1-1 By: Dutton (Senate Sponsor - Harris) H.B. No. 1179
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 13, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of an associate judge in certain family
1-9 law cases.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 201.007(a) and (c), Family Code, are
1-12 amended to read as follows:

1-13 (a) Except as limited by an order of referral, an associate
1-14 judge may:

- 1-15 (1) conduct a hearing;
- 1-16 (2) hear evidence;
- 1-17 (3) compel production of relevant evidence;
- 1-18 (4) rule on the admissibility of evidence;
- 1-19 (5) issue a summons for the appearance of witnesses;
- 1-20 (6) examine a witness;
- 1-21 (7) swear a witness for a hearing;
- 1-22 (8) make findings of fact on evidence;
- 1-23 (9) formulate conclusions of law;
- 1-24 (10) recommend an order to be rendered in a case;
- 1-25 (11) regulate all proceedings in a hearing before the
1-26 associate judge;
- 1-27 (12) order the attachment of a witness or party who
1-28 fails to obey a subpoena;
- 1-29 (13) order the detention of a witness or party found
1-30 guilty of contempt, pending approval by the referring court as
1-31 provided by Section 201.013;
- 1-32 (14) render and sign:
 - 1-33 (A) a final order agreed to in writing as to both
1-34 form and substance by all parties; ~~or~~
 - 1-35 (B) a final default order; or
 - 1-36 (C) a temporary order; and

1-37 (15) take action as necessary and proper for the
1-38 efficient performance of the associate judge's duties.

1-39 (c) An agreed order, ~~or~~ a default order, or a temporary
1-40 order rendered and signed by an associate judge under Subsection
1-41 (a) constitutes an order of the referring court.

1-42 SECTION 2. The change in law made by this Act applies to a
1-43 proceeding under Title 1, 4, or 5, Family Code, pending before a
1-44 trial court on, or filed on or after, the effective date of this
1-45 Act.

1-46 SECTION 3. This Act takes effect September 1, 2005.

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