

By: Janek

S.B. No. 845

A BILL TO BE ENTITLED

AN ACT

1 relating to the hearing of a child protection case by an associate  
2 judge.  
3

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

5 SECTION 1. Subchapter C, Chapter 201, Family Code, is  
6 amended by adding Section 201.2011 to read as follows:

7 Sec. 201.2011. NOTICE OF APPOINTMENT OF ASSOCIATE JUDGE. A  
8 presiding judge who appoints an associate judge under this  
9 subchapter shall give notice of the appointment to each attorney  
10 representing a party to a child protection case that is to be heard  
11 by the associate judge.

12 SECTION 2. Section 201.202(a), Family Code, is amended to  
13 read as follows:

14 (a) [~~Except as provided by this subchapter,~~] Subchapter A  
15 applies to an associate judge appointed under this subchapter,  
16 except that to the extent of any conflict between this subchapter  
17 and Subchapter A, this subchapter prevails.

18 SECTION 3. Sections 201.204(a) and (c), Family Code, are  
19 amended to read as follows:

20 (a) Regardless of whether a party to a child protection case  
21 has made a timely objection to the associate judge's appointment  
22 under Section 201.005 [~~On the motion of a party or the associate~~  
23 ~~judge~~], an associate judge may, in the interest of justice, refer a  
24 complex case back to the referring court for final disposition

1 after recommending temporary orders for the protection of a child.

2 (c) An associate judge appointed under this subchapter may  
3 render and sign any order, including a final order on the merits of  
4 the case [~~recommend to the referring court any order after a trial~~  
5 ~~on the merits~~].

6 SECTION 4. Sections 201.2041 and 201.2042, Family Code, are  
7 amended to read as follows:

8 Sec. 201.2041. JUDICIAL ACTION ON ASSOCIATE JUDGE'S ORDER  
9 NOT REQUIRED [~~REPORT~~]. An order [~~If an appeal to the referring~~  
10 ~~court is not filed or the right to appeal is waived, a~~  
11 ~~recommendation~~] of the associate judge becomes an order of the  
12 referring court by operation of law without ratification by the  
13 referring court.

14 Sec. 201.2042. APPELLATE REVIEW [~~APPEAL TO REFERRING~~  
15 ~~COURT~~]. (a) A party may not appeal an order of the associate judge  
16 to the referring court. [~~Except as provided by this section,~~  
17 ~~Section 201.015 applies to an appeal of the associate judge's~~  
18 ~~recommendations.~~]

19 (b) The date a final order by the associate court is signed  
20 is the controlling date for the purposes of an appeal to or request  
21 for other relief from a court of appeals or the supreme court. [~~The~~  
22 ~~party appealing an associate judge's recommendation shall file~~  
23 ~~notice with the referring court and the clerk of the court.~~]

24 SECTION 5. The changes in law made by this Act apply only to  
25 a child protection case referred to an associate judge under  
26 Subchapter C, Chapter 201, Family Code, on or after the effective  
27 date of this Act. A child protection case referred before the

1 effective date of this Act is governed by the law in effect on the  
2 date the case was referred, and the former law is continued in  
3 effect for that purpose.

4 SECTION 6. This Act takes effect September 1, 2005.