

BILL ANALYSIS

C.S.H.B. 2940
By: Bolton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, it is not clear that there is a right of appeal after an associate judge has signed certain orders. Additionally, there is no provision authorizing an associate judge to make a record in any manner other than by using a court reporter, even if the parties agree. Finally, current law appears to require use of a court reporter in certain proceedings even if the matter at issue is uncontested.

C.S.H.B.2940 provides that a party's right of appeal is not affected by the signing of temporary orders by an associate judge, to authorize the making of a record by any method chosen by the judge in the absence of a court reporter. C.S.H.B.2940 further provides that a court reporter is only required in a jury trial or a final termination hearing if the matter is contested.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 201.007(a) of the Family Code to provide that an associate judge may, without prejudice to the right of appeal under Sec. 201.015, render and sign a final order agreed to in writing by both parties, a final default order, or a temporary order. Further amends Section 201.009 of the Family Code by amending the heading to include "RECORD." Finally, amends Sections 201.009(a) and (c) of the Family Code by providing that an associate judge is required to use a court reporter when presiding over a jury trial or a contested final termination hearing, and in the absence of a court reporter or in agreement of the parties, may preserve the record by any means approved by associate judge.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.2940 modifies the original H.B.2940 by amending the heading of Section 201.009 of the Family Code to include "RECORD" with "COURT REPORTER" as opposed to only having "RECORD" in the heading. Additionally, C.S.H.B.2940 amends Section 201.009(a) and (c) of the Family Code, in lieu of amending Section 201.109(a) of the Family Code, which provided that a record could be made of a hearing held by an associate judge appointed under this chapter. This provision under Section 201.109(a) would have also allowed parties to waive the making of a record. However, C.S.H.B.2940 provides that an associate judge is required to use a court reporter when presiding over a jury trial or a contested final termination hearing, and in the absence of a court reporter or in agreement of the parties, may preserve the record by any means approved by associate judge.