

BILL ANALYSIS

S.B. 271
By: Wentworth
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires associate judges to reside in the administrative regions to which they are appointed for at least two years preceding the appointment, and to continue to live in the region after the appointment. However, in some instances, the presiding judges of administrative judicial regions, particularly in urban areas, would like to appoint as associate judges candidates who live just outside of the administrative region.

S.B. 271 changes the residency requirements for associate judges appointed to hear Title IV-D and child protection cases to allow the appointment of a person who has resided in a county adjacent to the administrative judicial region to which they are appointed for two years

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

SECTION 1. Amends Section 201.002, Family Code, by creating an exception to the eligibility requirements and qualifications for an associate judge and by requiring a person to meet certain requirements and qualifications to be eligible for appointment as an associate judge under Subchapter B or C.

SECTION 2. Amends Section 201.102, Family Code, by deleting existing text relating to residency requirements for an associate judge.

SECTION 3. Amends Subchapter B, Chapter 201, Family Code, by adding Section 201.1021, as follows:

Sec. 201.1021. QUALIFICATIONS. Requires a judge, to be eligible for appointment as a Title IV-D judge, to be a citizen of the United States, to have lived in the administrative judicial region or a county adjacent to the region of the court to which the judge is appointed for the two years preceding the date of appointment, to be licensed to practice law in Texas, and to be a practicing lawyer or judge for the four years preceding the date of appointment. Requires an associate judge appointed under this subchapter during the term of appointment to reside in the administrative judicial region or a county adjacent to the region in which the court of appointment is located. Authorizes an associate judge appointed to two or more regions to reside anywhere in those regions.

SECTION 4. Amends Section 201.202, Family Code, by deleting existing text relating to residency requirements for an associate judge.

SECTION 5. Amends Subchapter C, Chapter 201, Family Code, by adding Section 201.2021, as follows:

Sec. 201.2021. QUALIFICATIONS. Requires a judge, to be eligible for appointment as an associate judge for child protection cases, to be a citizen of the United States, to have lived in the administrative judicial region or an adjacent county of the court to which the judge is appointed for the two years preceding the date of appointment, to be licensed to practice law in Texas, and to be a practicing lawyer or judge for the four years preceding

the date of appointment. Requires an associate judge appointed under this subchapter during the term of appointment to reside in the administrative judicial region or a county adjacent to the region in which the court of appointment is located. Authorizes an associate judge appointed to two or more regions to reside anywhere in those regions.

SECTION 6. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.