

BILL ANALYSIS

Senate Research Center
80R14398 JMM-F

C.S.S.B. 431
By: Harris
Jurisprudence
5/11/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Family Code does not provide a clear right to an appeal after an associate judge has signed certain orders. In addition, there is no provision authorizing an associate judge to make a record in any manner other than by using a court reporter, and the law appears to require the use of a court reporter in certain proceedings even if the matter at issue is uncontested.

C.S.S.B. 431 provides that a party's right of appeal is not affected by the signing of temporary orders by an associate judge. The bill authorizes a record to be made by a method chosen by the judge and clarifies that a court reporter is not required in a final termination hearing if the matter is uncontested.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.007(a), Family Code, to include among the actions an associate judge is authorized to take, except as limited by an order of referral, the authority to render and sign, without prejudice to the right of appeal under Section 201.015, certain orders.

SECTION 2. Amends the heading to Section 201.009, Family Code, to read as follows:

Sec. 201.009. COURT REPORTER; RECORD.

SECTION 3. Amends Sections 201.109(a) and (c), Family Code, as follows:

(a) Authorizes a court reporter to be provided during a hearing held by an associate judge appointed under this chapter (Associate Judge). Provides that a court reporter is required to be provided when the associate judge presides over a jury trial or a contested final termination hearing.

(c) Authorizes the record to be preserved by any means approved by the associate judge, except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties.

SECTION 4. Provides that the changes in law made by this Act apply to a suit affecting the parent-child relationship referred to an associate judge that is pending before a trial court on or filed on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2007.