

By: Chavez

H.B. No. 930

A BILL TO BE ENTITLED

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AN ACT

relating to certain orders rendered by an associate judge under the Family Code.

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

SECTION 1. Section 201.007, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

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

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a subpoena;
- (13) order the detention of a witness or party found

1 guilty of contempt, pending approval by the referring court as
2 provided by Section 201.013;

3 (14) render and sign:

4 (A) a final order agreed to in writing as to both
5 form and substance by all parties;

6 (B) a final default order; ~~[or]~~

7 (C) a temporary order; or

8 (D) a final order in a case in which a party files
9 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
10 Civil Procedure, that waives notice to the party of the final
11 hearing or waives the party's appearance at the final hearing; and

12 (15) take action as necessary and proper for the
13 efficient performance of the associate judge's duties.

14 (c) An ~~[agreed]~~ order described by Subsection (a)(14) that
15 is~~[, a default order, or a temporary order]~~ rendered and signed by
16 an associate judge ~~[under Subsection (a)]~~ constitutes an order of
17 the referring court.

18 (d) An answer filed by or on behalf of a party who previously
19 filed a waiver described in Subsection (a)(14)(D) shall revoke that
20 waiver.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.