

By: Chavez

H.B. No. 930

A BILL TO BE ENTITLED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

relating to the powers of an associate judge under the Family Code.

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

SECTION 1. Sections 201.007(a) and (c), Family Code, are amended 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 guilty of contempt, pending approval by the referring court as provided by Section 201.013;

1           (14) render and sign:

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

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

5                   (C) a temporary order; or

6                   (D) a final order in a case in which a party files  
7 a waiver; and

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

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

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

COMMITTEE AMENDMENT NO. 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

Amend H.B. 930 as follows:

On Page 2, strike lines 6 and 7 and insert"

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

On page 2, after line 13 insert:

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

Chavez