

By: Bolton

H.B. No. 2940

Substitute the following for H.B. No. 2940:

By: Hernandez

C.S.H.B. No. 2940

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the authority of an associate judge in certain family
3 law proceedings.

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

5 SECTION 1. Section 201.007(a), Family Code, is amended to
6 read as follows:

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

- 9 (1) conduct a hearing;
- 10 (2) hear evidence;
- 11 (3) compel production of relevant evidence;
- 12 (4) rule on the admissibility of evidence;
- 13 (5) issue a summons for the appearance of witnesses;
- 14 (6) examine a witness;
- 15 (7) swear a witness for a hearing;
- 16 (8) make findings of fact on evidence;
- 17 (9) formulate conclusions of law;
- 18 (10) recommend an order to be rendered in a case;
- 19 (11) regulate all proceedings in a hearing before the
20 associate judge;
- 21 (12) order the attachment of a witness or party who
22 fails to obey a subpoena;
- 23 (13) order the detention of a witness or party found
24 guilty of contempt, pending approval by the referring court as

1 provided by Section 201.013;

2 (14) without prejudice to the right of appeal under
3 Section 201.015, 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; and

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

10 SECTION 2. The heading to Section 201.009, Family Code, is
11 amended to read as follows:

12 Sec. 201.009. COURT REPORTER; RECORD.

13 SECTION 3. Sections 201.009(a) and (c), Family Code, are
14 amended to read as follows:

15 (a) A court reporter may be provided during a hearing held
16 by an associate judge appointed under this chapter. A court
17 reporter is required to be provided when the associate judge
18 presides over a jury trial or a contested final termination
19 hearing.

20 (c) Except as provided by Subsection (a), in the absence of
21 a court reporter or on agreement of the parties, the [The] record
22 may be preserved [in the absence of a court reporter] by any [other]
23 means approved by the associate judge.

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

1 SECTION 5. This Act takes effect September 1, 2007.