

By: Harris

S.B. No. 431

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 201.007(a), Family Code, is 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

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. RECORD [~~COURT REPORTER~~].

13 SECTION 3. Section 201.109(a), Family Code, is amended to  
14 read as follows:

15 (a) A record [~~court reporter~~] may be made of [~~provided~~  
16 ~~during~~] a hearing held by an associate judge appointed under this  
17 chapter. The parties to a proceeding may waive the making of a  
18 record with the consent of the associate judge. A court reporter is  
19 required to be provided when the associate judge presides over a  
20 jury trial or a contested final termination hearing.

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

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