

1-1 By: Harris S.B. No. 431
1-2 (In the Senate - Filed February 2, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 May 14, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; May 14, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 431 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of an associate judge in certain family
1-11 law proceedings.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 201.007, Family Code, is
1-14 amended to read as follows:

1-15 (a) Except as limited by an order of referral, an associate
1-16 judge may:

- 1-17 (1) conduct a hearing;
- 1-18 (2) hear evidence;
- 1-19 (3) compel production of relevant evidence;
- 1-20 (4) rule on the admissibility of evidence;
- 1-21 (5) issue a summons for the appearance of witnesses;
- 1-22 (6) examine a witness;
- 1-23 (7) swear a witness for a hearing;
- 1-24 (8) make findings of fact on evidence;
- 1-25 (9) formulate conclusions of law;
- 1-26 (10) recommend an order to be rendered in a case;
- 1-27 (11) regulate all proceedings in a hearing before the

1-28 associate judge;

1-29 (12) order the attachment of a witness or party who
1-30 fails to obey a subpoena;

1-31 (13) order the detention of a witness or party found
1-32 guilty of contempt, pending approval by the referring court as
1-33 provided by Section 201.013;

1-34 (14) without prejudice to the right of appeal under
1-35 Section 201.015, render and sign:

1-36 (A) a final order agreed to in writing as to both
1-37 form and substance by all parties;

1-38 (B) a final default order; or

1-39 (C) a temporary order; and

1-40 (15) take action as necessary and proper for the
1-41 efficient performance of the associate judge's duties.

1-42 SECTION 2. The heading to Section 201.009, Family Code, is
1-43 amended to read as follows:

1-44 Sec. 201.009. COURT REPORTER; RECORD.

1-45 SECTION 3. Subsections (a) and (c), Section 201.009, Family
1-46 Code, are amended to read as follows:

1-47 (a) A court reporter may be provided during a hearing held
1-48 by an associate judge appointed under this chapter. A court
1-49 reporter is required to be provided when the associate judge
1-50 presides over a jury trial or a contested final termination
1-51 hearing.

1-52 (c) Except as provided by Subsection (a), in the absence of
1-53 a court reporter or on agreement of the parties, the [The] record
1-54 may be preserved [in the absence of a court reporter] by any [other]
1-55 means approved by the associate judge.

1-56 SECTION 4. The changes in law made by this Act apply to a
1-57 suit affecting the parent-child relationship referred to an
1-58 associate judge that is pending before a trial court on or filed on
1-59 or after the effective date of this Act.

1-60 SECTION 5. This Act takes effect September 1, 2007.

1-61 * * * * *