

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Chavez

H.B. No. 930

A BILL TO BE ENTITLED

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.

**ADOPTED**

MAY 15 2007

*Antony Spaw*  
Secretary of the Senate

Amendment by *Hamis*

1 Amend H.B. 930 by adding new appropriately numbered SECTIONS to read as follows:

2 SECTION \_\_\_\_ . Section 201.007(a), Family Code, is amended to read as follows:

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

4 (1) conduct a hearing;

5 (2) hear evidence;

6 (3) compel production of relevant evidence;

7 (4) rule on the admissibility of evidence;

8 (5) issue a summons for the appearance of witnesses;

9 (6) examine a witness;

10 (7) swear a witness for a hearing;

11 (8) make findings of fact on evidence;

12 (9) formulate conclusions of law;

13 (10) recommend an order to be rendered in a case;

14 (11) regulate all proceedings in a hearing before the associate judge;

15 (12) order the attachment of a witness or party who fails to obey a subpoena;

16 (13) order the detention of a witness or party found guilty of contempt, pending

17 approval by the referring court as provided by Section 201.013;

18 (14) without prejudice to the right of appeal under Section 201.015, render and

19 sign:

20 (A) a final order agreed to in writing as to both form and substance by all

21 parties;

22 (B) a final default order; or

1 (C) a temporary order; and  
2 (15) take action as necessary and proper for the efficient performance of the  
3 associate judge's duties.

4 SECTION \_\_\_\_\_. The heading to Section 201.009, Family Code, is amended to read as  
5 follows:

6 Sec. 201.009. COURT REPORTER; RECORD.

7 SECTION \_\_\_\_\_. Sections 201.009(a) and (c), Family Code, are amended to read as  
8 follows:

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

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

15

Amendment to the amendment by Harris

Amend the Harris Amendment to H.B. 930 as follows:

1. On page 2, line 1 strike the word "and"
2. On page 2, line 3 strike the period and insert a ; and
- 3 On page 2 after line 3 insert a new subsection (16) to read as follows:

(16) sign a final order that includes a waiver of the right of appeal pursuant to Section 201.015.

**ADOPTED**

MAY 15 2007

*Lotay Spaw*  
Secretary of the Senate



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 7, 2007**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB930** by Chavez (Relating to certain orders rendered by an associate judge under the Family Code.), **Committee Report 2nd House, As Amended**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow an associate judge to render and sign a final order in a case in which a party has filed an unrevoked waiver as described. To the extent the bill would amend court procedures relating to orders rendered by an associate judge, no significant fiscal implication to the State is anticipated.

The bill would take immediate effect if the bill receives the vote of two-thirds of the members of each House. Otherwise, the bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, ZS, TB





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 13, 2007**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB930** by Chavez (Relating to certain orders rendered by an associate judge under the Family Code.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow an associate judge to render and sign a final order in a case in which a party has filed an unrevoked waiver as described. To the extent the bill would amend court procedures relating to orders rendered by an associate judge, no significant fiscal implication to the State is anticipated.

The bill would take immediate effect if the bill receives the vote of two-thirds of the members of each House. Otherwise, the bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, ZS, TB



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 22, 2007**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judiciary

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB930** by Chavez (Relating to the powers of an associate judge under the Family Code. ),  
**Committee Report 1st House, As Amended**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow an associate judge to sign a final order in a case in which certain waivers have been filed. To the extent the bill would expand the powers of an associate judge in certain cases, no significant fiscal implication to the State is anticipated.

The bill would take immediate effect if the bill receives the vote of two-thirds of the members of each House. Otherwise, the bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, ZS, TB



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 18, 2007**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judiciary

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB930** by Chavez (Relating to the powers of an associate judge under the Family Code.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow an associate judge to sign a final order in a case in which a waiver has been filed. To the extent the bill would expand the powers of an associate judge in certain cases, no significant fiscal implication to the State is anticipated.

The bill would take immediate effect if the bill receives the vote of two-thirds of the members of each House. Otherwise, the bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, ZS, TB

