

BILL ANALYSIS

H.B. 2232
By: Phillips
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Commissioners Court of Fannin County has determined that Fannin County is in need of a county court at law to address the backlog of cases in the county.

H.B. 2232 creates a county court at law in Fannin County.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2232 amends the Government Code to create the County Court at Law of Fannin County. The bill establishes that a county court at law in Fannin County, in addition to the jurisdiction of statutory county courts prescribed by law has concurrent jurisdiction with the district court in family law cases and proceedings and in juvenile justice proceedings. The bill establishes that a county court at law does not have jurisdiction of full adversary hearings in certain child protection cases or juvenile adjudication or disposition hearings.

H.B. 2232 requires a county court at law to transfer a family law case or child protection case from that court to the district court before a full adversary hearing is commenced. The bill requires such a transferred case or proceeding to be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the district court. The bill prohibits a district court from transferring the case or proceeding back to the county court at law, with certain limited exceptions.

H.B. 2232 requires a county court at law to transfer a juvenile case or proceeding instituted under the Juvenile Justice Code from that court to a juvenile court before a juvenile adjudication hearing is commenced. The bill requires a case or proceeding transferred as required above to be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the juvenile court. The bill prohibits the juvenile court from transferring the case or proceeding back to the county court at law.

H.B. 2232 establishes that the County Court at Law of Fannin County is created September 1, 2009.

EFFECTIVE DATE

September 1, 2009.