

By: Castro

H.B. No. 1688

A BILL TO BE ENTITLED

AN ACT

relating to the rules governing a motion for new trial in juvenile cases.

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

SECTION 1. Section 51.17(a), Family Code, is amended to read as follows:

(a) Except as provided by Section 56.01(b-1) and except for the burden of proof to be borne by the state in adjudicating a child to be delinquent or in need of supervision under Section 54.03(f) or otherwise when in conflict with a provision of this title, the Texas Rules of Civil Procedure govern proceedings under this title.

SECTION 2. Section 56.01, Family Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Except as provided by Subsection (b-1), an ~~An~~ appeal from an order of a juvenile court is to a court of appeals and the case may be carried to the Texas Supreme Court by writ of error or upon certificate, as in civil cases generally.

(b) The requirements governing an appeal are as in civil cases generally. When an appeal is sought by filing a notice of appeal, security for costs of appeal, or an affidavit of inability to pay the costs of appeal, and the filing is made in a timely fashion after the date the disposition order is signed, the appeal must include the juvenile court adjudication and all rulings

1 contributing to that adjudication. An appeal of the adjudication
2 may be sought notwithstanding that the adjudication order was
3 signed more than 30 days before the date the notice of appeal,
4 security for costs of appeal, or affidavit of inability to pay the
5 costs of appeal was filed.

6 (b-1) A motion for new trial seeking to vacate an
7 adjudication is:

8 (1) timely if the motion is filed not later than the
9 30th day after the date on which the disposition order is signed;
10 and

11 (2) governed by Rule 21, Texas Rules of Appellate
12 Procedure.

13 SECTION 3. Section 56.01, Family Code, as amended by this
14 Act, applies to a motion for a new trial filed after a disposition
15 order that is signed on or after the effective date of this Act. A
16 motion for a new trial filed after a disposition order that is
17 signed before the effective date of this Act is covered by the law
18 in effect on the date that the disposition order was signed, and
19 that law is continued in effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2009.