

1-1 By: Castro (Senate Sponsor - Wentworth) H.B. No. 1688
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 14, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the rules governing a motion for new trial in juvenile
1-9 cases.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 51.17(a), Family Code, is amended to
1-12 read as follows:

1-13 (a) Except as provided by Section 56.01(b-1) and except for
1-14 the burden of proof to be borne by the state in adjudicating a child
1-15 to be delinquent or in need of supervision under Section 54.03(f) or
1-16 otherwise when in conflict with a provision of this title, the Texas
1-17 Rules of Civil Procedure govern proceedings under this title.

1-18 SECTION 2. Section 56.01, Family Code, is amended by
1-19 amending Subsections (a) and (b) and adding Subsection (b-1) to
1-20 read as follows:

1-21 (a) Except as provided by Subsection (b-1), an [An] appeal
1-22 from an order of a juvenile court is to a court of appeals and the
1-23 case may be carried to the Texas Supreme Court by writ of error or
1-24 upon certificate, as in civil cases generally.

1-25 (b) The requirements governing an appeal are as in civil
1-26 cases generally. When an appeal is sought by filing a notice of
1-27 appeal, security for costs of appeal, or an affidavit of inability
1-28 to pay the costs of appeal, and the filing is made in a timely
1-29 fashion after the date the disposition order is signed, the appeal
1-30 must include the juvenile court adjudication and all rulings
1-31 contributing to that adjudication. An appeal of the adjudication
1-32 may be sought notwithstanding that the adjudication order was
1-33 signed more than 30 days before the date the notice of appeal,
1-34 security for costs of appeal, or affidavit of inability to pay the
1-35 costs of appeal was filed.

1-36 (b-1) A motion for new trial seeking to vacate an
1-37 adjudication is:

1-38 (1) timely if the motion is filed not later than the
1-39 30th day after the date on which the disposition order is signed;
1-40 and

1-41 (2) governed by Rule 21, Texas Rules of Appellate
1-42 Procedure.

1-43 SECTION 3. Section 56.01, Family Code, as amended by this
1-44 Act, applies to a motion for a new trial filed after a disposition
1-45 order that is signed on or after the effective date of this Act. A
1-46 motion for a new trial filed after a disposition order that is
1-47 signed before the effective date of this Act is covered by the law
1-48 in effect on the date that the disposition order was signed, and
1-49 that law is continued in effect for that purpose.

1-50 SECTION 4. This Act takes effect September 1, 2009.

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