

By: Wentworth

S.B. No. 742

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications to serve as an associate judge or visiting associate judge in certain family law proceedings.

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

SECTION 1. Section 201.1021(a), Family Code, is amended to read as follows:

(a) To be eligible for appointment under this subchapter, a person must be

~~[(1)]~~ a citizen of the United States, ~~[and]~~ have resided in this state ~~[the administrative judicial region, or a county adjacent to the region, in which the court to which the person is appointed is located]~~ for the two years preceding the date of appointment, ~~[+]~~ and be:

(1) eligible for assignment under Section 74.054, Government Code, because the person is named on the list of retired and former judges maintained by the presiding judge of the administrative region under Section 74.055, Government Code; or

(2) licensed to practice law in this state and have been a practicing lawyer in this state, or a judge of a court in this state who is not otherwise eligible under Subdivision (1), for the four years preceding the date of appointment.

SECTION 2. Section 201.113(b), Family Code, is amended to read as follows:

(b) A person is not eligible for appointment under this

1 section unless the person has served as a [~~child support~~] master or
2 associate judge under this chapter, a district judge, or a
3 statutory county court judge for at least two years before the date
4 of appointment.

5 SECTION 3. Section 201.2021(a), Family Code, is amended to
6 read as follows:

7 (a) To be eligible for appointment under this subchapter, a
8 person must be[÷

9 [~~(1)~~] a citizen of the United States, and have
10 resided in this state [~~the administrative judicial region, or a~~
11 ~~county adjacent to the region, in which the court to which the~~
12 ~~person is appointed is located~~] for the two years preceding the date
13 of appointment, + and be:

14 (1) eligible for assignment under Section 74.054,
15 Government Code, because the person is named on the list of retired
16 and former judges maintained by the presiding judge of the
17 administrative region under Section 74.055, Government Code; or

18 (2) licensed to practice law in this state and have
19 been a practicing lawyer in this state, or a judge of a court in this
20 state who is not otherwise eligible under Subdivision (1), for the
21 four years preceding the date of appointment.

22 SECTION 4. Section 201.208(c), Family Code, is amended to
23 read as follows:

24 (c) A person is not eligible for appointment under this
25 section unless the person has served as a master or [~~an~~] associate
26 judge under this chapter, a district judge, or a statutory county
27 court judge for at least two years before the date of appointment.

1 SECTION 5. The changes in law made by this Act to Sections
2 201.1021(a) and 201.2021(a), Family Code, apply only to the
3 appointment of an associate judge under Subchapter B or C, Chapter
4 201, Family Code, on or after the effective date of this Act. The
5 appointment of an associate judge before that date is governed by
6 the law in effect on the date the appointment was made, and the
7 former law is continued in effect for that purpose.

8 SECTION 6. The changes in law made by this Act to Sections
9 201.113(b) and 201.208(c), Family Code, apply only to the
10 appointment of a visiting associate judge under Subchapter B or C,
11 Chapter 201, Family Code, on or after the effective date of this
12 Act. The appointment of a visiting associate judge before that date
13 is governed by the law in effect on the date the appointment was
14 made, and the former law is continued in effect for that purpose.

15 SECTION 7. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.