

1-1 By: Wentworth S.B. No. 742  
1-2 (In the Senate - Filed February 10, 2009; February 25, 2009,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 19, 2009, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; March 19, 2009, sent to printer.)

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

1-8 relating to the qualifications to serve as an associate judge or  
1-9 visiting associate judge in certain family law proceedings.

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

1-11 SECTION 1. Subsection (a), Section 201.1021, Family Code,  
1-12 is amended to read as follows:

1-13 (a) To be eligible for appointment under this subchapter, a  
1-14 person must be[+]

1-15 [~~(1)~~] a citizen of the United States, [~~and~~] have  
1-16 resided in this state [~~the administrative judicial region, or a~~  
1-17 ~~county adjacent to the region, in which the court to which the~~  
1-18 ~~person is appointed is located~~] for the two years preceding the date  
1-19 of appointment, [~~+~~] and be:

1-20 (1) eligible for assignment under Section 74.054,  
1-21 Government Code, because the person is named on the list of retired  
1-22 and former judges maintained by the presiding judge of the  
1-23 administrative region under Section 74.055, Government Code; or

1-24 (2) licensed to practice law in this state and have  
1-25 been a practicing lawyer in this state, or a judge of a court in this  
1-26 state who is not otherwise eligible under Subdivision (1), for the  
1-27 four years preceding the date of appointment.

1-28 SECTION 2. Subsection (b), Section 201.113, Family Code, is  
1-29 amended to read as follows:

1-30 (b) A person is not eligible for appointment under this  
1-31 section unless the person has served as a [~~child support~~] master or  
1-32 associate judge under this chapter, a district judge, or a  
1-33 statutory county court judge for at least two years before the date  
1-34 of appointment.

1-35 SECTION 3. Subsection (a), Section 201.2021, Family Code,  
1-36 is amended to read as follows:

1-37 (a) To be eligible for appointment under this subchapter, a  
1-38 person must be[+]

1-39 [~~(1)~~] a citizen of the United States, [~~and~~] have  
1-40 resided in this state [~~the administrative judicial region, or a~~  
1-41 ~~county adjacent to the region, in which the court to which the~~  
1-42 ~~person is appointed is located~~] for the two years preceding the date  
1-43 of appointment, [~~+~~] and be:

1-44 (1) eligible for assignment under Section 74.054,  
1-45 Government Code, because the person is named on the list of retired  
1-46 and former judges maintained by the presiding judge of the  
1-47 administrative region under Section 74.055, Government Code; or

1-48 (2) licensed to practice law in this state and have  
1-49 been a practicing lawyer in this state, or a judge of a court in this  
1-50 state who is not otherwise eligible under Subdivision (1), for the  
1-51 four years preceding the date of appointment.

1-52 SECTION 4. Subsection (c), Section 201.208, Family Code, is  
1-53 amended to read as follows:

1-54 (c) A person is not eligible for appointment under this  
1-55 section unless the person has served as a master or [~~an~~] associate  
1-56 judge under this chapter, a district judge, or a statutory county  
1-57 court judge for at least two years before the date of appointment.

1-58 SECTION 5. The changes in law made by this Act to Subsection  
1-59 (a), Section 201.1021, and Subsection (a), Section 201.2021, Family  
1-60 Code, apply only to the appointment of an associate judge under  
1-61 Subchapter B or C, Chapter 201, Family Code, on or after the  
1-62 effective date of this Act. The appointment of an associate judge  
1-63 before that date is governed by the law in effect on the date the  
1-64 appointment was made, and the former law is continued in effect for

2-1 that purpose.

2-2       SECTION 6. The changes in law made by this Act to Subsection  
2-3 (b), Section 201.113, and Subsection (c), Section 201.208, Family  
2-4 Code, apply only to the appointment of a visiting associate judge  
2-5 under Subchapter B or C, Chapter 201, Family Code, on or after the  
2-6 effective date of this Act. The appointment of a visiting associate  
2-7 judge before that date is governed by the law in effect on the date  
2-8 the appointment was made, and the former law is continued in effect  
2-9 for that purpose.

2-10       SECTION 7. This Act takes effect immediately if it receives  
2-11 a vote of two-thirds of all the members elected to each house, as  
2-12 provided by Section 39, Article III, Texas Constitution. If this  
2-13 Act does not receive the vote necessary for immediate effect, this  
2-14 Act takes effect September 1, 2009.

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