

BILL ANALYSIS

Senate Research Center

S.B. 283
By: Harris
Jurisprudence
7/7/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 201.201(a), Family Code, authorizes a regional presiding judge, after conferring with the judges of courts in the region having a family law jurisdiction and a child protection caseload, to appoint a child protection court associate judge to complete cases within the time specified in Chapters 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child) and 263 (Review of Placement of Children Under Care of Department of Protective and Regulatory Services), Family Code.

Under Section 201.201(d), once an associate judge is appointed, all child protection cases are required to be referred to the associate judge by a general order. Although Section 201.201(d) states that all child protection cases should be referred, it is unclear whether this section limits the jurisdiction of the associate judges to actions filed under Chapters 262 and 263, Family Code. The Department of Family and Protective Services also files child protection cases under other chapters of the Family Code. For example, a request for a court order to facilitate an investigation of abuse or neglect would be filed under Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code.

S.B. 283 clarifies that child protection associate judges have jurisdiction to hear any child protection matter filed under Subtitle E (Protection of the Child), Family Code. This bill applies only to the child protection associate judges appointed under Chapter 201 (Associate Judge), Family Code.

S.B. 283 amends current law relating to the appointment of associate judges in child protective services cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 201.201(a) and (e), Family Code, as follows:

(a) Requires the presiding judge of each administrative judicial region, after conferring with the judges of courts in the region having family law jurisdiction and a child protection caseload, to determine which courts require the appointment of a full-time or part-time associate judge to complete cases under Subtitle E (Protection of the Child), rather than each case within the time specified in Chapters 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child) and 263 (Review of Placement of Children Under Care of Department of Protective and Regulatory Services).

(e) Provides that this section does not limit the jurisdiction of a court to issue orders under Subtitle E, rather than Chapter 262 or 263.

SECTION 2. Effective date: upon passage or September 1, 2011.