

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2751 by Martinez Fischer (Relating to ex parte court hearings that affect the right of a person to possession of or access to a child.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to require a court record to be taken for all ex parte hearings, including child protection hearings. According to the Office of Court Administration, requests for ex parte relief including requests for temporary restraining orders and protective orders in family law matters often are made outside of the 8:00am to 5:00pm workday. Rather than fulltime court employees, some family law courts rely on contract court reporters or share court reporters with other courts, only scheduling them as needed. Accordingly, OCA reports under this bill, ex parte relief would have to be denied if a court reporter is unavailable. This may be more of a problem in smaller, rural areas of the state. If ex parte relief is postponed until a reporter would otherwise be available, then no significant fiscal impact is anticipated. To the extent a court reporter is required after hours; there could be a indeterminate cost in the court system statewide. The bill would take effect September 1, 2011.

Local Government Impact

If a family law court utilizes a contract or shared court reporter, then some additional costs could be realized. However, such expenses are not readily determined statewide and this analysis assumes costs for larger jurisdictions would be negligible.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, JT, TB, KKR