

By: Lucio III

H.B. No. 1366

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures in family or juvenile law proceedings.

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

SECTION 1. Section 51.014(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) An interlocutory appeal under Subsection (a), other than an appeal under Subsection (a)(4) or in a suit brought under the Family Code, stays the commencement of a trial in the trial court pending resolution of the appeal. An interlocutory appeal under Subsection (a)(3), (5), or (8) also stays all other proceedings in the trial court pending resolution of that appeal.

SECTION 2. Section 6.4035(c), Family Code, is amended to read as follows:

(c) Notwithstanding Section 132.001, Civil Practice and Remedies Code, the ~~[The]~~ waiver must be sworn before a notary public who is ~~[but may]~~ not ~~[be sworn before]~~ an attorney in the suit.

SECTION 3. Sections 201.015(a) and (e), Family Code, are amended to read as follows:

(a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third ~~[seventh]~~ working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.011.

1 (e) If a request for a de novo hearing before the referring
2 court is filed by a party, any other party may file a request for a
3 de novo hearing before the referring court not later than the third
4 [~~seventh~~] working day after the date the initial request was filed.

5 SECTION 4. Section 201.1042(b), Family Code, is amended to
6 read as follows:

7 (b) The party requesting a de novo hearing before the
8 referring court shall file notice with the clerk of the referring
9 court not later than the third [~~seventh~~] working day after the date
10 the associate judge signs the proposed order or judgment.

11 SECTION 5. Sections 201.317(a) and (d), Family Code, are
12 amended to read as follows:

13 (a) A party may request a de novo hearing before the
14 referring court by filing with the clerk of the referring court a
15 written request not later than the third [~~seventh~~] working day
16 after the date the party receives notice of the substance of the
17 associate judge's report as provided by Section 201.313.

18 (d) If a request for a de novo hearing before the referring
19 court is filed by a party, any other party may file a request for a
20 de novo hearing before the referring court not later than the third
21 [~~seventh~~] working day after the date the initial request was filed.

22 SECTION 6. The change in law made by this Act to Section
23 51.014(b), Civil Practice and Remedies Code, applies only to an
24 appeal of an interlocutory order rendered on or after the effective
25 date of this Act. An appeal of an interlocutory order rendered
26 before the effective date of this Act is governed by the law in
27 effect immediately before that date, and the former law is

1 continued in effect for that purpose.

2 SECTION 7. The change in law made by this Act to Section
3 6.4035(c), Family Code, applies to a waiver of service of process
4 executed by a party to a suit for the dissolution of a marriage on or
5 after the effective date of this Act, regardless of whether the suit
6 is filed before, on, or after that date.

7 SECTION 8. The changes in law made by this Act to Chapter
8 201, Family Code, apply only to a request for a de novo hearing in a
9 case referred to an associate judge under Chapter 201, Family Code,
10 on or after the effective date of this Act. A request for a de novo
11 hearing in a case referred to an associate judge before the
12 effective date of this Act is governed by the law in effect on the
13 date the case was referred, and the former law is continued in
14 effect for that purpose.

15 SECTION 9. This Act takes effect September 1, 2013.