

1-1 By: Lucio III (Senate Sponsor - Rodriguez) H.B. No. 1366
1-2 (In the Senate - Received from the House April 22, 2013;
1-3 April 24, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	West	X		
1-9	Rodriguez	X		
1-10	Campbell	X		
1-11	Carona	X		
1-12	Garcia	X		
1-13	Hancock	X		
1-14	Paxton	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to certain procedures in family or juvenile law
1-18 proceedings.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 51.014(b), Civil Practice and Remedies
1-21 Code, is amended to read as follows:

1-22 (b) An interlocutory appeal under Subsection (a), other
1-23 than an appeal under Subsection (a)(4) or in a suit brought under
1-24 the Family Code, stays the commencement of a trial in the trial
1-25 court pending resolution of the appeal. An interlocutory appeal
1-26 under Subsection (a)(3), (5), or (8) also stays all other
1-27 proceedings in the trial court pending resolution of that appeal.

1-28 SECTION 2. Section 6.4035(c), Family Code, is amended to
1-29 read as follows:

1-30 (c) Notwithstanding Section 132.001, Civil Practice and
1-31 Remedies Code, the [The] waiver must be sworn before a notary public
1-32 who is [but may] not [be sworn before] an attorney in the suit.

1-33 SECTION 3. Sections 201.015(a) and (e), Family Code, are
1-34 amended to read as follows:

1-35 (a) A party may request a de novo hearing before the
1-36 referring court by filing with the clerk of the referring court a
1-37 written request not later than the third [~~seventh~~] working day
1-38 after the date the party receives notice of the substance of the
1-39 associate judge's report as provided by Section 201.011.

1-40 (e) If a request for a de novo hearing before the referring
1-41 court is filed by a party, any other party may file a request for a
1-42 de novo hearing before the referring court not later than the third
1-43 [~~seventh~~] working day after the date the initial request was filed.

1-44 SECTION 4. Section 201.1042(b), Family Code, is amended to
1-45 read as follows:

1-46 (b) The party requesting a de novo hearing before the
1-47 referring court shall file notice with the clerk of the referring
1-48 court not later than the third [~~seventh~~] working day after the date
1-49 the associate judge signs the proposed order or judgment.

1-50 SECTION 5. Sections 201.317(a) and (d), Family Code, are
1-51 amended to read as follows:

1-52 (a) A party may request a de novo hearing before the
1-53 referring court by filing with the clerk of the referring court a
1-54 written request not later than the third [~~seventh~~] working day
1-55 after the date the party receives notice of the substance of the
1-56 associate judge's report as provided by Section 201.313.

1-57 (d) If a request for a de novo hearing before the referring
1-58 court is filed by a party, any other party may file a request for a
1-59 de novo hearing before the referring court not later than the third
1-60 [~~seventh~~] working day after the date the initial request was filed.

1-61 SECTION 6. The change in law made by this Act to Section

2-1 51.014(b), Civil Practice and Remedies Code, applies only to an
2-2 appeal of an interlocutory order rendered on or after the effective
2-3 date of this Act. An appeal of an interlocutory order rendered
2-4 before the effective date of this Act is governed by the law in
2-5 effect immediately before that date, and the former law is
2-6 continued in effect for that purpose.

2-7 SECTION 7. The change in law made by this Act to Section
2-8 6.4035(c), Family Code, applies to a waiver of service of process
2-9 executed by a party to a suit for the dissolution of a marriage on or
2-10 after the effective date of this Act, regardless of whether the suit
2-11 is filed before, on, or after that date.

2-12 SECTION 8. The changes in law made by this Act to Chapter
2-13 201, Family Code, apply only to a request for a de novo hearing in a
2-14 case referred to an associate judge under Chapter 201, Family Code,
2-15 on or after the effective date of this Act. A request for a de novo
2-16 hearing in a case referred to an associate judge before the
2-17 effective date of this Act is governed by the law in effect on the
2-18 date the case was referred, and the former law is continued in
2-19 effect for that purpose.

2-20 SECTION 9. This Act takes effect September 1, 2013.

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