

SENATE AMENDMENTS

2nd Printing

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.

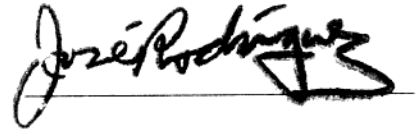
ADOPTED

MAY 21 2013


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:



1 Amend H.B. No. 1366 (senate committee printing) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. The heading to Section 6.708, Family Code, is
5 amended to read as follows:

6 Sec. 6.708. COSTS; ATTORNEY'S FEES AND EXPENSES.

7 SECTION _____. Section 6.708, Family Code, is amended by
8 adding Subsection (c) to read as follows:

9 (c) In a suit for dissolution of a marriage, the court may
10 award reasonable attorney's fees and expenses. The court may order
11 the fees and expenses and any postjudgment interest to be paid
12 directly to the attorney, who may enforce the order in the
13 attorney's own name by any means available for the enforcement of a
14 judgment for debt.

15 SECTION _____. Section 6.708(c), Family Code, as added by
16 this Act, applies only to a suit for dissolution of a marriage filed
17 on or after the effective date of this Act. A suit filed before that
18 date is governed by the law in effect on the date the suit was filed,
19 and the former law is continued in effect for that purpose.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1366 by Lucio III (Relating to certain procedures in family or juvenile law proceedings.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code and the Family Code to make certain procedural changes in family and juvenile law cases. The bill specifies that in a suit for dissolution of marriage, a court may award certain fees and interests to an attorney. The change in law would apply only to waivers of service of process, suits for dissolution of marriage, or hearing requests made before the bill's effective date. The bill would take effect September 1, 2013.

It is not anticipated that the bill would result in any significant fiscal impact to the court system.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: UP, CL, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 8, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1366 by Lucio III (Relating to certain procedures in family or juvenile law proceedings.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code and the Family Code to make certain procedural changes in family and juvenile law cases. The Office of Court Administration does not anticipate any significant fiscal impact to the court system resulting from the bill. The change in law would apply only to waivers of service of process or hearing requests made before the bill's effective date. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: UP, CL, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 22, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1366 by Lucio III (Relating to certain procedures in family or juvenile law proceedings.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code and the Family Code to make certain procedural changes in family and juvenile law cases. The Office of Court Administration does not anticipate any significant fiscal impact to the court system resulting from the bill. The change in law would apply only to waivers of service of process or hearing requests made before the bill's effective date. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: UP, CL, AM