

1-1 By: Schofield (Senate Sponsor - Huffman) H.B. No. 2927
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on State
 1-4 Affairs; May 12, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 12, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to certain powers of an associate judge under the Family
 1-20 Code.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 201.007, Family Code, is amended by
 1-23 amending Subsections (a) and (c) and adding Subsection (e) to read
 1-24 as follows:

1-25 (a) Except as limited by an order of referral, an associate
 1-26 judge may:

- 1-27 (1) conduct a hearing;
- 1-28 (2) hear evidence;
- 1-29 (3) compel production of relevant evidence;
- 1-30 (4) rule on the admissibility of evidence;
- 1-31 (5) issue a summons for:

1-32 (A) the appearance of witnesses; and

1-33 (B) the appearance of a parent who has failed to
 1-34 appear before an agency authorized to conduct an investigation of
 1-35 an allegation of abuse or neglect of a child after receiving proper
 1-36 notice;

1-37 (6) examine a witness;

1-38 (7) swear a witness for a hearing;

1-39 (8) make findings of fact on evidence;

1-40 (9) formulate conclusions of law;

1-41 (10) recommend an order to be rendered in a case;

1-42 (11) regulate all proceedings in a hearing before the

1-43 associate judge;

1-44 (12) order the attachment of a witness or party who
 1-45 fails to obey a subpoena;

1-46 (13) order the detention of a witness or party found
 1-47 guilty of contempt, pending approval by the referring court as
 1-48 provided by Section 201.013;

1-49 (14) without prejudice to the right to a de novo
 1-50 hearing before the referring court [~~of appeal~~] under Section
 1-51 201.015 and subject to Subsection (c), render and sign:

1-52 (A) a final order agreed to in writing as to both
 1-53 form and substance by all parties;

1-54 (B) a final default order;

1-55 (C) a temporary order; or

1-56 (D) a final order in a case in which a party files
 1-57 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
 1-58 Civil Procedure, that waives notice to the party of the final
 1-59 hearing or waives the party's appearance at the final hearing;

1-60 (15) take action as necessary and proper for the
 1-61 efficient performance of the associate judge's duties; and

2-1 (16) render and sign a final order if the parties waive
 2-2 [that includes a waiver of] the right to a de novo hearing before
 2-3 the referring court under [of appeal pursuant to] Section 201.015
 2-4 in writing before the start of a hearing conducted by the associate
 2-5 judge.

2-6 (c) A final order described by Subsection (a)(14) becomes
 2-7 final after the expiration of the period described by Section
 2-8 201.015(a) if a party does not request a de novo hearing in
 2-9 accordance with that section. An order described by Subsection
 2-10 (a)(14) or (16) that is rendered and signed by an associate judge
 2-11 constitutes an order of the referring court.

2-12 (e) An order signed before May 1, 2017, by an associate
 2-13 judge under Subsection (a)(16) is a final order rendered as of the
 2-14 date the order was signed.

2-15 SECTION 2. Section 201.013(b), Family Code, is amended to
 2-16 read as follows:

2-17 (b) Except as provided by Section 201.007(c), if a request
 2-18 for a de novo hearing before the referring court is not timely filed
 2-19 ~~[or the right to a de novo hearing before the referring court is~~
 2-20 ~~waived],~~ the proposed order or judgment of the associate judge
 2-21 becomes the order or judgment of the referring court only on the
 2-22 referring court's signing the proposed order or judgment.

2-23 SECTION 3. Section 201.014(a), Family Code, is amended to
 2-24 read as follows:

2-25 (a) Except as otherwise provided in this subchapter, unless
 2-26 ~~[Unless]~~ a party files a written request for a de novo hearing
 2-27 before the referring court, the referring court may:

2-28 (1) adopt, modify, or reject the associate judge's
 2-29 proposed order or judgment;

2-30 (2) hear further evidence; or

2-31 (3) recommit the matter to the associate judge for
 2-32 further proceedings.

2-33 SECTION 4. Section 201.016(c), Family Code, is amended to
 2-34 read as follows:

2-35 (c) The date an agreed order, [or] a default order, or a
 2-36 final order described by Section 201.007(a)(16) is signed by an
 2-37 associate judge is the controlling date for the purpose of an appeal
 2-38 to, or a request for other relief relating to the order from, a
 2-39 court of appeals or the supreme court.

2-40 SECTION 5. (a) The change in law made by this Act to Section
 2-41 201.007(a), Family Code, applies only to a final order signed by an
 2-42 associate judge on or after the effective date of this Act.

2-43 (b) Notwithstanding Subsection (a) of this section, Section
 2-44 201.007(e), Family Code, as added by this Act, applies to an order
 2-45 signed by an associate judge under Section 201.007(a)(16), Family
 2-46 Code, before May 1, 2017. The legislature ratifies such an order.

2-47 SECTION 6. This Act takes effect immediately if it receives
 2-48 a vote of two-thirds of all the members elected to each house, as
 2-49 provided by Section 39, Article III, Texas Constitution. If this
 2-50 Act does not receive the vote necessary for immediate effect, this
 2-51 Act takes effect September 1, 2017.

2-52 * * * * *