

By: Capriglione

H.B. No. 3785

A BILL TO BE ENTITLED

AN ACT

1
2 relating to associate judges and court reporters for certain family
3 law cases and proceedings.

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

5 SECTION 1. Section 201.004, Family Code, is amended by
6 adding Subsection (e) to read as follows:

7 (e) A resident of the county served by the associate judge
8 may file with the State Commission on Judicial Conduct a petition
9 for removal of the associate judge. If the commission finds the
10 associate judge abused the judge's discretion or acted in bad faith
11 against a party before the associate judge, the commission may
12 terminate the employment of the associate judge for the court
13 served by the associate judge. An associate judge's employment
14 termination does not prevent a de novo appeal of the associate
15 judge's ruling to any district court in the county.

16 SECTION 2. Section 201.009, Family Code, is amended to read
17 as follows:

18 Sec. 201.009. COURT REPORTER; RECORD. In [(a) — A court
19 reporter may be provided during] a hearing held by an associate
20 judge appointed under this chapter, a court reporter must be
21 provided or the proceedings must be recorded with a good quality
22 electronic audio recording device. [~~A court reporter is required~~
23 ~~to be provided when the associate judge presides over a jury trial~~
24 ~~or a contested final termination hearing.~~

1 ~~[(b) A party, the associate judge, or the referring court~~
2 ~~may provide for a reporter during the hearing, if one is not~~
3 ~~otherwise provided.]~~

4 ~~[(c) Except as provided by Subsection (a), in the absence of~~
5 ~~a court reporter or on agreement of the parties, the record may be~~
6 ~~preserved by any means approved by the associate judge.]~~

7 ~~[(d) The referring court or associate judge may tax the~~
8 ~~expense of preserving the record under Subsection (c) as costs.]~~

9 ~~[(e) On a request for a de novo hearing, the referring court~~
10 ~~may consider testimony or other evidence in the record in addition~~
11 ~~to witnesses or other matters presented under Section [201.015](#).]~~

12 SECTION 3. This Act takes effect September 1, 2017.