

By: Huffman

S.B. No. 1329

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the operation and administration of and practice in  
3 courts in the judicial branch of state government.

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

5 ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES

6 SECTION 1.01. Section 101.034, Family Code, as effective  
7 until September 1, 2018, is amended to read as follows:

8 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
9 action in which services are provided by the Title IV-D agency under  
10 Part D, Title IV, of the federal Social Security Act (42 U.S.C.  
11 Section 651 et seq.), relating to the location of an absent parent,  
12 determination of parentage, or establishment, modification, or  
13 enforcement of a child support or medical support obligation,  
14 including a suit for modification filed by the Title IV-D agency  
15 under Section 231.101(d) and any other action relating to the  
16 services that the Title IV-D agency is required or authorized to  
17 provide under Section 231.101.

18 SECTION 1.02. Section 101.034, Family Code, as effective on  
19 September 1, 2018, is amended to read as follows:

20 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
21 action in which services are provided by the Title IV-D agency under  
22 Part D, Title IV, of the federal Social Security Act (42 U.S.C.  
23 Section 651 et seq.), relating to the location of an absent parent,  
24 determination of parentage, or establishment, modification, or

1 enforcement of a child support, medical support, or dental support  
2 obligation, including a suit for modification filed by the Title  
3 IV-D agency under Section 231.101(d) and any other action relating  
4 to the services that the Title IV-D agency is required or authorized  
5 to provide under Section 231.101.

6 SECTION 1.03. (a) Section 201.007, Family Code, is amended  
7 by amending Subsections (a) and (c) and adding Subsection (e) to  
8 read as follows:

9 (a) Except as limited by an order of referral, an associate  
10 judge may:

- 11 (1) conduct a hearing;
- 12 (2) hear evidence;
- 13 (3) compel production of relevant evidence;
- 14 (4) rule on the admissibility of evidence;
- 15 (5) issue a summons for:
  - 16 (A) the appearance of witnesses; and
  - 17 (B) the appearance of a parent who has failed to
- 18 appear before an agency authorized to conduct an investigation of
- 19 an allegation of abuse or neglect of a child after receiving proper
- 20 notice;
- 21 (6) examine a witness;
- 22 (7) swear a witness for a hearing;
- 23 (8) make findings of fact on evidence;
- 24 (9) formulate conclusions of law;
- 25 (10) recommend an order to be rendered in a case;
- 26 (11) regulate all proceedings in a hearing before the
- 27 associate judge;

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

3 (13) order the detention of a witness or party found  
4 guilty of contempt, pending approval by the referring court as  
5 provided by Section 201.013;

6 (14) without prejudice to the right to a de novo  
7 hearing before the referring court [~~of appeal~~] under Section  
8 201.015 and subject to Subsection (c), render and sign:

9 (A) a final order agreed to in writing as to both  
10 form and substance by all parties;

11 (B) a final default order;

12 (C) a temporary order; or

13 (D) a final order in a case in which a party files  
14 an unrevoked waiver made in accordance with Rule 119, Texas Rules of  
15 Civil Procedure, that waives notice to the party of the final  
16 hearing or waives the party's appearance at the final hearing;

17 (15) take action as necessary and proper for the  
18 efficient performance of the associate judge's duties; and

19 (16) render and sign a final order if the parties waive  
20 [~~that includes a waiver of~~] the right to a de novo hearing before  
21 the referring court under [~~of appeal pursuant to~~] Section 201.015  
22 in writing before the start of a hearing conducted by the associate  
23 judge.

24 (c) A final order described by Subsection (a)(14) becomes  
25 final after the expiration of the period described by Section  
26 201.015(a) if a party does not request a de novo hearing in  
27 accordance with that section. An order described by Subsection

1 (a)(14) or (16) that is rendered and signed by an associate judge  
2 constitutes an order of the referring court.

3 (e) An order signed before May 1, 2017, by an associate  
4 judge under Subsection (a)(16) is a final order rendered as of the  
5 date the order was signed.

6 (b) Section 201.013(b), Family Code, is amended to read as  
7 follows:

8 (b) Except as provided by Section 201.007(c), if a request  
9 for a de novo hearing before the referring court is not timely filed  
10 [~~or the right to a de novo hearing before the referring court is~~  
11 ~~waived~~], the proposed order or judgment of the associate judge  
12 becomes the order or judgment of the referring court only on the  
13 referring court's signing the proposed order or judgment.

14 (c) Section 201.014(a), Family Code, is amended to read as  
15 follows:

16 (a) Except as otherwise provided in this subchapter, unless  
17 [~~Unless~~] a party files a written request for a de novo hearing  
18 before the referring court, the referring court may:

19 (1) adopt, modify, or reject the associate judge's  
20 proposed order or judgment;

21 (2) hear further evidence; or

22 (3) recommit the matter to the associate judge for  
23 further proceedings.

24 (d) Section 201.016(c), Family Code, is amended to read as  
25 follows:

26 (c) The date an agreed order, ~~or~~ a default order, or a  
27 final order described by Section 201.007(a)(16) is signed by an

1 associate judge is the controlling date for the purpose of an appeal  
2 to, or a request for other relief relating to the order from, a  
3 court of appeals or the supreme court.

4 (e) The change in law made by this section to Section  
5 201.007(a), Family Code, applies only to a final order signed by an  
6 associate judge on or after the effective date of this Act.

7 (f) Section 201.007(e), Family Code, as added by this  
8 section, applies to an order signed by an associate judge before the  
9 effective date of this Act, as provided by that section.

10 SECTION 1.04. Section 201.204, Family Code, is amended by  
11 adding Subsection (d) to read as follows:

12 (d) An associate judge may hear and render an order in a suit  
13 for the adoption of a child for whom the Texas Department of Family  
14 and Protective Services has been named managing conservator.

15 ARTICLE 2. DISTRICT COURTS

16 SECTION 2.01. (a) Subchapter C, Chapter 24, Government  
17 Code, is amended by adding Section 24.6002 to read as follows:

18 Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY).  
19 The 458th Judicial District is composed of Fort Bend County.

20 (b) The 458th Judicial District is created on January 1,  
21 2018.

22 SECTION 2.02. (a) Subchapter C, Chapter 24, Government  
23 Code, is amended by adding Section 24.6003 to read as follows:

24 Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY).  
25 (a) The 459th Judicial District is composed of Travis County.

26 (b) The 459th District Court shall give preference to civil  
27 matters.

1 (b) The 459th Judicial District is created on October 1,  
2 2017.

3 SECTION 2.03. (a) Effective October 1, 2019, Subchapter C,  
4 Chapter 24, Government Code, is amended by adding Section 24.6004  
5 to read as follows:

6 Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY).

7 (a) The 460th Judicial District is composed of Travis County.

8 (b) The 460th District Court shall give preference to  
9 criminal matters.

10 (b) The 460th Judicial District is created on October 1,  
11 2019.

12 SECTION 2.04. (a) Subchapter C, Chapter 24, Government  
13 Code, is amended by adding Section 24.6006 to read as follows:

14 Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The  
15 462nd Judicial District is composed of Denton County.

16 (b) The 462nd Judicial District is created on January 1,  
17 2019.

18 SECTION 2.05. (a) Subchapter C, Chapter 24, Government  
19 Code, is amended by adding Section 24.6008 to read as follows:

20 Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY).  
21 The 464th Judicial District is composed of Hidalgo County.

22 (b) The 464th Judicial District is created on January 1,  
23 2019.

24 ARTICLE 3. STATUTORY COUNTY COURTS

25 SECTION 3.01. Effective January 1, 2019, Section 25.0634,  
26 Government Code, is amended by amending Subsection (b) and adding  
27 Subsection (c) to read as follows:

1 (b) Except as provided by Subsection (c), a [A] county  
2 criminal court has no jurisdiction over civil, civil appellate,  
3 probate, or mental health matters.

4 (c) The County Criminal Court No. 4 of Denton County has  
5 jurisdiction over mental health matters.

6 SECTION 3.02. (a) Section 25.0811, Government Code, is  
7 amended to read as follows:

8 Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the  
9 following statutory county courts:

- 10 (1) County Court at Law No. 1 of Fort Bend County;  
11 (2) County Court at Law No. 2 of Fort Bend County;  
12 (3) County Court at Law No. 3 of Fort Bend County;  
13 (4) County Court at Law No. 4 of Fort Bend County;  
14 [~~and~~]  
15 (5) County Court at Law No. 5 of Fort Bend County; and  
16 (6) County Court at Law No. 6 of Fort Bend County.

17 (b) The County Court at Law No. 6 of Fort Bend County is  
18 created on January 1, 2018.

19 SECTION 3.03. (a) Subchapter C, Chapter 25, Government  
20 Code, is amended by adding Sections 25.0951 and 25.0952 to read as  
21 follows:

22 Sec. 25.0951. GRIMES COUNTY. Grimes County has one  
23 statutory county court, the County Court at Law of Grimes County.

24 Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS.

25 (a) In addition to the jurisdiction provided by Section 25.0003  
26 and other law, a county court at law in Grimes County has concurrent  
27 jurisdiction with the district court in family law cases and

1 proceedings.

2 (b) The judge of the county court at law shall be paid an  
3 annual salary set by the commissioners court in an amount that is at  
4 least equal to the amount that is \$1,000 less than the total annual  
5 salary, including contributions and supplements, received by a  
6 district judge in the county. The salary shall be paid by the  
7 county treasurer by order of the commissioners court.

8 (c) The judge of the county court at law is entitled to  
9 travel expenses and necessary office expenses, including  
10 administrative and clerical assistance, in the same manner as the  
11 district judge.

12 (d) The judge of a county court at law may not engage in the  
13 private practice of law.

14 (e) The district clerk serves as clerk of a county court at  
15 law for family cases and proceedings, and the county clerk serves as  
16 clerk for all other cases. The commissioners court may employ as  
17 many deputy sheriffs and bailiffs as are necessary to serve the  
18 court.

19 (f) If a case or proceeding in which a county court at law  
20 has concurrent jurisdiction with a district court is tried before a  
21 jury, the jury shall be composed of 12 members. In all other cases,  
22 the jury shall be composed of 6 members.

23 (g) The judge of a county court at law may, instead of  
24 appointing an official court reporter, contract for the services of  
25 a court reporter under guidelines established by the commissioners  
26 court.

27 (h) The laws governing the drawing, selection, service, and



1 pay of jurors for county courts apply to a county court at law.  
2 Jurors regularly impaneled for a week by the district court may, on  
3 a request of a judge of the county court at law, be made available  
4 and shall serve for the week in a county court at law.

5 (i) A county court at law has the same terms of court as a  
6 district court in Grimes County.

7 (b) The County Court at Law of Grimes County is created on  
8 October 1, 2017.

9 SECTION 3.04. (a) Effective October 1, 2018, Section  
10 25.1071, Government Code, is amended to read as follows:

11 Sec. 25.1071. HAYS COUNTY. Hays County has the following  
12 statutory county courts:

- 13 (1) the County Court at Law No. 1 of Hays County; ~~and~~  
14 (2) the County Court at Law No. 2 of Hays County; and  
15 (3) the County Court at Law No. 3 of Hays County.

16 (b) The County Court at Law No. 3 of Hays County is created  
17 on October 1, 2018.

18 ARTICLE 4. JUDICIAL OATHS

19 SECTION 4.01. Chapter 602, Government Code, is amended by  
20 adding Section 602.007 to read as follows:

21 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL  
22 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed  
23 statement executed as required by Section 1, Article XVI, Texas  
24 Constitution, by any of the following judicial officers and  
25 judicial appointees shall be filed with the secretary of state:

- 26 (1) an officer appointed by the supreme court, the  
27 court of criminal appeals, or the State Bar of Texas; and

1           (2) an associate judge appointed under Subchapter B or  
2 C, Chapter 201, Family Code.

3                           ARTICLE 5. EFFECTIVE DATE

4           SECTION 5.01. Except as otherwise provided by this Act,  
5 this Act takes effect September 1, 2017.