

1-1 By: West S.B. No. 1444
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 12, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1444 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to de novo hearings in child protection cases.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 201.2042, Family Code, is amended by
 1-24 amending Subsection (b) and adding Subsections (c) through (h) to
 1-25 read as follows:
 1-26 (b) The party requesting a de novo hearing before the
 1-27 referring court shall file notice with the referring court, ~~and~~
 1-28 the clerk of the referring court, and the associate judge.
 1-29 (c) A party may not request a de novo hearing on a default
 1-30 judgment or an agreed order.
 1-31 (d) A request for a de novo hearing under this section must
 1-32 specify the issues to be presented to the referring court. If the
 1-33 request for a de novo hearing fails to specify the issues, the
 1-34 referring court shall deny the relief requested and refuse to
 1-35 schedule a de novo hearing.
 1-36 (e) Proceedings under this section shall be given
 1-37 precedence over other pending matters to the extent necessary to
 1-38 ensure the court reaches a decision promptly.
 1-39 (f) After notice to the parties, the referring court shall
 1-40 hold a de novo hearing on an associate judge's proposed order or
 1-41 judgment following a trial on the merits and not later than the 45th
 1-42 day after the date the initial request for a de novo hearing is
 1-43 filed. Unless the referring court has rendered an order disposing
 1-44 of the request for a de novo hearing within the period provided by
 1-45 this subsection, the request for a de novo hearing is considered
 1-46 denied by the referring court.
 1-47 (g) If the referring court has not held a de novo hearing on
 1-48 an associate judge's proposed order or judgment on or before the
 1-49 30th day after the date the initial request for a de novo hearing is
 1-50 filed, a party may file a petition for a writ of mandamus to compel
 1-51 the referring court to hold the hearing required by Subsection (f).
 1-52 (h) Except as provided by Section 201.016, the date the
 1-53 request for a de novo hearing is considered denied under Subsection
 1-54 (f) is the controlling date for the purpose of an appeal to, or a
 1-55 request for other relief from, a court of appeals or the supreme
 1-56 court.
 1-57 SECTION 2. Sections 201.014(b) and 201.2041(b), Family
 1-58 Code, are repealed.
 1-59 SECTION 3. The changes in law made by this Act apply only to
 1-60 a request for a de novo hearing that is filed on or after the

2-1 effective date of this Act. A request for a de novo hearing filed
2-2 before the effective date of this Act is governed by the law in
2-3 effect on the date the request was filed, and the former law is
2-4 continued in effect for that purpose.

2-5 SECTION 4. This Act takes effect September 1, 2017.

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