

BILL ANALYSIS

H.B. 1868
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes associate judges to sign final orders that are agreed to by the parties as to form and substance, however, issues may arise when the Office of the Attorney General (OAG) is a party in a suit affecting the parent-child relationship since the OAG signs such an order as to form only. There are concerns that in these situations the order could become void. H.B. 1868 seeks to address these concerns by authorizing an associate judge to render and sign a final order in such a suit that is agreed to in writing by all the parties without prejudice to the right to a de novo hearing before the referring court.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1868 amends the Family Code to authorize an associate judge to render and sign a final order agreed to in writing by all parties in a suit affecting the parent-child relationship, without prejudice to the right to a de novo hearing before the referring court. The bill removes the condition limiting the associate judge's authority to render and sign such an order only to an order agreed to by the parties in both form and substance. The bill's provisions apply to an applicable suit referred to an associate judge that is pending before a trial court on or filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.