

By: Dutton

H.B. No. 1235

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the power of associate judges to render and sign certain  
3 ancillary orders in suits affecting the parent-child relationship.

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

5 SECTION 1. Section 201.007(a), Family Code, is amended to  
6 read as follows:

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

9 (1) conduct a hearing;

10 (2) hear evidence;

11 (3) compel production of relevant evidence;

12 (4) rule on the admissibility of evidence;

13 (5) issue a summons for:

14 (A) the appearance of witnesses; and

15 (B) the appearance of a parent who has failed to  
16 appear before an agency authorized to conduct an investigation of  
17 an allegation of abuse or neglect of a child after receiving proper  
18 notice;

19 (6) examine a witness;

20 (7) swear a witness for a hearing;

21 (8) make findings of fact on evidence;

22 (9) formulate conclusions of law;

23 (10) recommend an order to be rendered in a case;

24 (11) regulate all proceedings in a hearing before the

1 associate judge;

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

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

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

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

12 (B) a final default order;

13 (C) a temporary order; ~~or~~

14 (D) an order for transfer of continuing,  
15 exclusive jurisdiction under Chapter 155;

16 (E) an order for transfer of venue of an original  
17 suit under Chapter 103;

18 (F) an order granting a new trial; or

19 (G) a final order in a case in which a party files  
20 an unrevoked waiver made in accordance with Rule 119, Texas Rules of  
21 Civil Procedure, that waives notice to the party of the final  
22 hearing or waives the party's appearance at the final hearing;

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

25 (16) render and sign a final order if the parties waive  
26 the right to a de novo hearing before the referring court under  
27 Section 201.015 in writing before the start of a hearing conducted

1 by the associate judge.

2           SECTION 2. The changes in law made by this Act apply to a  
3 suit affecting the parent-child relationship referred to an  
4 associate judge that is pending before a trial court on or filed on  
5 or after the effective date of this Act.

6           SECTION 3. This Act takes effect September 1, 2021.