

By: Dutton

H.B. No. 1868

A BILL TO BE ENTITLED

AN ACT

relating to the powers of associate judges in suits affecting the parent-child relationship.

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

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

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

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for:
 - (A) the appearance of witnesses; and
 - (B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (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) a final order in a case in which a party files
15 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
16 Civil Procedure, that waives notice to the party of the final
17 hearing or waives the party's appearance at the final hearing;

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

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

24 SECTION 2. The change in law made by this Act applies to a
25 suit affecting the parent-child relationship referred to an
26 associate judge that is pending before a trial court on or filed on
27 or after the effective date of this Act.

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