

BILL ANALYSIS

H.B. 2268
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides for the referral of court proceedings to an associate judge in certain suits under the Family Code. The legislature authorized such referrals to assist district and county courts with the disposition of family law matters in their courts, but judges do not have the authority to refer to an associate judge certain protective order applications, applications for certain writs relating to access to a residence for the retrieval of personal property, or petitions for temporary authorizations relating to care or mental health services for a minor child. Limiting the ability of courts to refer matters involving family violence or the needs of children to an associate judge for prompt consideration and disposition impacts a court's ability to address time-sensitive matters involving victims of family violence and children in need of care. H.B. 2268 seeks to authorize a court to refer to an associate judge an action relating to a protective order for a victim of human trafficking, sexual assault or abuse, or stalking, access to a residence or former residence to retrieve personal property, and the temporary authorization for care or inpatient mental health services for a minor child.

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. 2268 amends the Family Code to expand the case matter that a judge of a court may refer to an associate judge to include any aspect of an action, including any matter ancillary to the action, over which the court has jurisdiction under statutory provisions relating to the following:

- temporary authorization for care of a minor child;
- temporary authorization for inpatient mental health services for a minor child;
- protective orders for victims of sexual assault or abuse, indecent assault, stalking, or trafficking; or
- access to a residence or former residence to retrieve personal property.

The bill's provisions apply only to a suit or application that is filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.