

BILL ANALYSIS

Senate Research Center
88R9555 MLH-F

H.B. 2671
By: Cook (Zaffirini)
Jurisprudence
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In some counties, courts will not schedule a temporary order hearing until mediation has taken place. This can postpone a hearing for several months.

H.B. 2671 seeks to prohibit a court from postponing a hearing later than the 30th day after the date for a hearing is set with respect to certain motions for a temporary order.

H.B. 2671 amends current law relating to the postponement of a hearing for a temporary order in certain family law cases referred to mediation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6.502, Family Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the court, if the court on its own motion refers to mediation a suit described by Subsection (a) (relating to authorizing the court, while a suit for dissolution of a marriage is pending and on the motion of a party or on the court's own motion after notice and hearing, to render an appropriate order, including the granting of a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable and including an order meeting certain criteria) in which a motion for a temporary order described by that subsection is pending, from postponing the initial hearing on the pending motion to a date that is later than the 30th day after the date set for the hearing.

SECTION 2. Amends Section 105.001, Family Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the court, if the court on its own motion refers to mediation a suit in which an initial hearing regarding the rendition of a temporary order described by Subsection (a) (relating to authorizing the court, in a suit, to make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order meeting certain criteria) has not yet occurred, from postponing the hearing to a date that is later than the 30th day after the date set for the hearing.

SECTION 3. Provides that the change in law made by this Act applies to a suit that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

SECTION 4. Effective date: September 1, 2023.