

1 By _____

_____ B. No. _____

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A BILL TO BE ENTITLED

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AN ACT

5 relating to the duties of an associate judge.

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

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

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

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(1) conduct a hearing;

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(2) hear evidence;

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(3) compel production of relevant evidence;

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(4) rule on the admissibility of evidence;

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(5) issue a summons for the appearance of witnesses;

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(6) examine a witness;

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(7) swear a witness for a hearing;

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(8) make findings of fact on evidence;

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(9) formulate conclusions of law;

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

19

(11) regulate all proceedings in a hearing before the associate judge;

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

21

(13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court

22

as provided by Section 201.013; [and]

23

(14) render and sign an agreed order;

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(15) render and sign a default order; and

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(16) [(14)] take action as necessary and proper for the efficient performance of the associate judge's duties.

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SECTION 2. Section , 201.007(c) Family Code, is added to read as follows:

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8) For purposes of this subchapter, Aorder@ means an order, decree, or judgment under Title 1 and an order or

1 judgement under Title 4 and this title.

2 SECTION 3. EFFECTIVE DATE. This Act takes effect September 1, 2003 and applies to all pending and
3 future proceedings.

4 SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses
5 create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three
6 several days in each house be suspended, and this rule is hereby suspended.

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1 BILL ANALYSIS

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3 ____B.____

By_____

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5 SUMMARY:

6 This bill amends existing Family Code sections 201.007(a) and (c).

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8 BACKGROUND:

9 Legislation creating the position of associate judge was passed to help clear a significant backlog of cases and to help
10 litigants to resolve their legal problems in a timely manner. Associate judges recommend to the judge of the referring
11 court what action should occur.

12
13 PROBLEMS:

14 The workload of many judges causes a paperwork and time lag from the time the associate judge makes a
15 recommendation and the time the documents are actually reviewed and signed.

16
17 PURPOSE:

18 The purpose of the proposed legislation is to allow associate judges to render and sign agreed and default judgments
19 thereby reducing the administrative workload of the judges and speeding up the finalizing of some cases.

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21 RULEMAKING AUTHORITY:

22 This bill creates no additional rulemaking authority.

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24 SECTION-BY-SECTION:

25
26 Section 1: Amends Family Code section 201.007(a) to allow associate judges to render and sign agreed and default
27 orders.

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29 Section 2: Adds Family Code section 201.007(c) to define that what an order is under Family Code section 201.007(a).

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31 Section 3: Establishes the effective date of the legislation as September 1, 2003.

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33 Section 4: Emergency Clause.