

1 AN ACT

2 relating to certain orders rendered by, and preservation of the
3 record in matters heard by, an associate judge under the Family
4 Code.

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

6 SECTION 1. Section 201.007, Family Code, is amended by
7 amending Subsections (a) and (c) and adding Subsection (d) to read
8 as follows:

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

- 11 (1) conduct a hearing;
- 12 (2) hear evidence;
- 13 (3) compel production of relevant evidence;
- 14 (4) rule on the admissibility of evidence;
- 15 (5) issue a summons for the appearance of witnesses;
- 16 (6) examine a witness;
- 17 (7) swear a witness for a hearing;
- 18 (8) make findings of fact on evidence;
- 19 (9) formulate conclusions of law;
- 20 (10) recommend an order to be rendered in a case;
- 21 (11) regulate all proceedings in a hearing before the
22 associate judge;
- 23 (12) order the attachment of a witness or party who
24 fails to obey a subpoena;

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

4 (14) without prejudice to the right of appeal under
5 Section 201.015, render and sign:

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

8 (B) a final default order; ~~[or]~~

9 (C) a temporary order; or

10 (D) a final order in a case in which a party files
11 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
12 Civil Procedure, that waives notice to the party of the final
13 hearing or waives the party's appearance at the final hearing;
14 [and]

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

17 (16) sign a final order that includes a waiver of the
18 right of appeal pursuant to Section 201.015.

19 (c) An ~~[agreed]~~ order described by Subsection (a)(14) that
20 is ~~[, a default order, or a temporary order]~~ rendered and signed by
21 an associate judge ~~[under Subsection (a)]~~ constitutes an order of
22 the referring court.

23 (d) An answer filed by or on behalf of a party who previously
24 filed a waiver described in Subsection (a)(14)(D) shall revoke that
25 waiver.

26 SECTION 2. The heading to Section 201.009, Family Code, is
27 amended to read as follows:

1 Sec. 201.009. COURT REPORTER; RECORD.

2 SECTION 3. Sections 201.009(a) and (c), Family Code, are
3 amended to read as follows:

4 (a) A court reporter may be provided during a hearing held
5 by an associate judge appointed under this chapter. A court
6 reporter is required to be provided when the associate judge
7 presides over a jury trial or a contested final termination
8 hearing.

9 (c) Except as provided by Subsection (a), in the absence of
10 a court reporter or on agreement of the parties, the [The] record
11 may be preserved [in the absence of a court reporter] by any [other]
12 means approved by the associate judge.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Jim Caddock

Speaker of the House

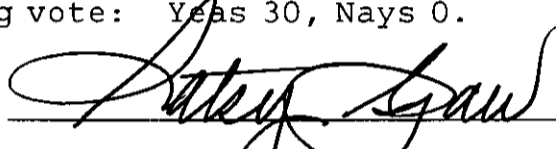
I certify that H.B. No. 930 was passed by the House on March 15, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 930 on May 18, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 930 on May 25, 2007, by the following vote: Yeas 135, Nays 0, 2 present, not voting.

Robert Honey

Chief Clerk of the House

H.B. No. 930

I certify that H.B. No. 930 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 930 on May 25, 2007, by the following vote: Yeas 30, Nays 0.


Secretary of the Senate

APPROVED: 15 JUN 07

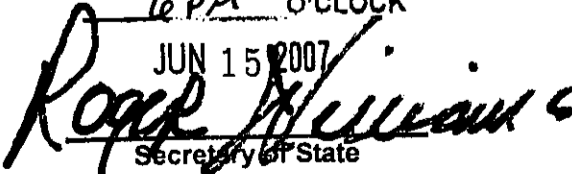
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

6 PM O'CLOCK

JUN 15 2007


Secretary of State