

House Bill No. 823 would lower state standards for seeking and enforcing child support orders. While federal standards have been lowered, Texas should continue to pursue the highest standards possible. The Attorney General has assured me he will adhere to the higher standards.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 2003.

Rick Perry

RICK PERRY
Governor of Texas

ATTESTED BY:

Gwyn Shea

GWYN SHEA
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK
JUN 21 2003

AN ACT

relating to associate judges for certain family law matters.

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

SECTION 1. The heading to Chapter 201, Family Code, is amended to read as follows:

CHAPTER 201. ASSOCIATE JUDGE [~~-, CHILD SUPPORT MASTER~~]

SECTION 2. Section 201.001(e), Family Code, is amended to read as follows:

(e) This section does not apply to [~~a master appointed under Subchapter B or~~] an associate judge appointed under Subchapter B or C.

SECTION 3. Section 201.003(d), Family Code, is amended to read as follows:

(d) This section does not apply to [~~a master appointed under Subchapter B or~~] an associate judge appointed under Subchapter B or C.

SECTION 4. Section 201.004(d), Family Code, is amended to read as follows:

(d) This section does not apply to [~~a master appointed under Subchapter B or~~] an associate judge appointed under Subchapter B or C.

SECTION 5. Section 201.018(d), Family Code, is amended to read as follows:

(d) This section does not apply to an associate judge [a

1 ~~master~~] appointed under Subchapter B.

2 SECTION 6. The heading to Subchapter B, Chapter 201, Family
3 Code, is amended to read as follows:

4 SUBCHAPTER B. ASSOCIATE JUDGE FOR TITLE IV-D CASES [~~CHILD SUPPORT~~
5 ~~MASTER AND COURT MONITOR~~]

6 SECTION 7. Section 201.101, Family Code, is amended by
7 amending Subsections (a), (c), and (d) and by adding Subsection (e)
8 to read as follows:

9 (a) The presiding judge of each administrative judicial
10 region, after conferring with the judges of courts in the region
11 having jurisdiction of Title IV-D cases, shall determine which
12 courts require the appointment of a full-time or part-time
13 associate judge [~~master~~] to complete each Title IV-D case within
14 the time specified in this subchapter.

15 (c) An associate judge [~~A master~~] appointed under this
16 subchapter may be appointed to serve more than one court. Two or
17 more judges of administrative judicial regions may jointly appoint
18 one or more associate judges [~~masters~~] to serve the regions.

19 (d) If the presiding judge determines that a court requires
20 an associate judge for Title IV-D cases [~~a master~~], the presiding
21 judge shall appoint an associate judge for that purpose. Except as
22 provided under Subsection (e), if an associate judge [~~a master. If~~
23 ~~a master~~] is appointed for a court under this subchapter, all Title
24 IV-D cases shall be referred to the associate judge [~~master~~] by a
25 general order for each county issued by the judge of the court for
26 which the associate judge [~~master~~] is appointed, or, in the absence
27 of that order, by a general order issued by the presiding judge who

1 appointed the associate judge [~~master~~]. Referral of Title IV-D
 2 cases may not be made for individual cases or case by case.

3 (e) If a county has entered into a contract with the Title
 4 IV-D agency under Section 231.0011, enforcement services may be
 5 directly provided by county personnel as provided under Section
 6 231.0011(d), including judges and associate judges of the courts of
 7 the county.

8 SECTION 8. Sections 201.102, 201.103, 201.104, and
 9 201.1041, Family Code, are amended to read as follows:

10 Sec. 201.102. APPLICATION OF LAW GOVERNING ASSOCIATE
 11 JUDGES. (a) [~~The provisions of~~] Subchapter A applies to [~~relating~~
 12 ~~to the qualifications, powers, and immunity of~~] an associate judge
 13 appointed under this subchapter [~~apply to a master appointed under~~
 14 ~~this subchapter~~], except that, to the extent of any conflict
 15 between this subchapter and Subchapter A, this subchapter prevails.

16 (b) An associate judge appointed under this subchapter [~~a~~
 17 ~~master~~]

18 [~~(1)~~] may reside anywhere within the administrative
 19 judicial region in which the court to which the associate judge
 20 [~~master~~] is appointed is located. An associate judge [~~or, if a~~
 21 ~~master is~~] appointed to serve in two or more administrative
 22 judicial regions[~~7~~] may reside anywhere within the regions[~~7~~ and

23 [~~(2)~~ may not be designated as an associate judge].

24 [~~(b) Except as provided by this subchapter, the provisions~~
 25 ~~of Subchapter A relating to an associate judge apply to a master~~
 26 ~~appointed under this subchapter.~~]

27 Sec. 201.103. DESIGNATION OF HOST COUNTY. (a) The

1 presiding judges of the administrative judicial regions by majority
 2 vote shall determine the host county of an associate judge [~~a~~
 3 ~~master~~] appointed under this subchapter.

4 (b) The host county shall provide an adequate courtroom and
 5 quarters, including furniture, necessary utilities, and telephone
 6 equipment and service, for the associate judge [~~master~~] and other
 7 personnel assisting the associate judge [~~master~~].

8 (c) An associate judge [~~A master~~] is not required to reside
 9 in the host county.

10 Sec. 201.104. POWERS [~~AND DUTIES~~] OF ASSOCIATE JUDGE
 11 [~~MASTER~~]. (a) On the motion of a party or the associate judge, an
 12 associate judge [~~a master~~] may refer a complex case back to the
 13 judge for final disposition after the associate judge [~~master~~] has
 14 recommended temporary support.

15 (b) An associate judge [~~A master shall take testimony and~~
 16 ~~make a record in all Title IV-D cases as provided by this chapter.~~

17 [~~(c) A master~~] may render and sign any order that is not a
 18 final order on the merits of the case.

19 (c) An associate judge [~~(d) A master~~] may recommend to the
 20 referring court any order after a trial on the merits.

21 (d) [~~(e)~~] Only the referring court may hear and render an
 22 order on a motion for postjudgment relief, including a motion [~~an~~
 23 ~~order~~] for a new trial or to vacate, correct, or reform a judgment.

24 (e) Notwithstanding Subsection (d) and subject to Section
 25 201.1042(g), an associate judge may hear and render an order on:

26 (1) a suit to modify or clarify an existing child
 27 support order;

1 (2) a motion to enforce a child support order or revoke
2 a respondent's community supervision and suspension of commitment;
3 or

4 (3) a respondent's compliance with the conditions
5 provided in the associate judge's report for suspension of the
6 respondent's commitment.

7 Sec. 201.1041. JUDICIAL ACTION ON ASSOCIATE JUDGE'S
8 [MASTER'S] REPORT. (a) If an appeal to the referring court is not
9 filed or the right to appeal is waived, a recommendation of the
10 associate judge [master], other than a recommendation of
11 enforcement by contempt or a recommendation of the immediate
12 incarceration of a party, shall become an order of the referring
13 court by operation of law without ratification by the referring
14 court.

15 (b) An associate judge's [A-master's] report that recommends
16 enforcement by contempt or the immediate incarceration of a party
17 becomes an order of the referring court only if:

18 (1) the referring court signs an order adopting the
19 associate judge's [master's] recommendation; and

20 (2) the order meets the requirements of Section
21 157.166.

22 (c) Except as provided by Subsection (b), the decisions and
23 recommendations of the associate judge [master] have full force and
24 effect and are enforceable as an order of the referring court during
25 an appeal of the associate judge's [master's] report to the
26 referring court.

27 SECTION 9. Section 201.1042, Family Code, is amended by

1 amending Subsections (a), (b), (c), and (g) to read as follows:

2 (a) Except as provided by in this section, Section 201.015
3 applies to an appeal of the associate judge's [~~master's~~]
4 recommendations.

5 (b) The party appealing an associate judge's [~~a master's~~]
6 recommendation shall file notice with the referring court and the
7 clerk of the court.

8 (c) A respondent who timely files an appeal of an associate
9 judge's [~~a master's~~] report recommending incarceration after a
10 finding of contempt shall be brought before the referring court not
11 later than the first working day after the date on which the
12 respondent files [~~of filing~~] the appeal. The referring court shall
13 determine whether the respondent should be released on bond or
14 whether the respondent's appearance in court at a designated time
15 and place can be otherwise assured.

16 (g) Until a hearing is held on a timely filed appeal under
17 this section or the referring court has rendered an order on a
18 timely filed motion for new trial or a motion to vacate, correct, or
19 reform a judgment, an associate judge [~~a master~~] may not hold a
20 hearing on the respondent's compliance with conditions in the
21 associate judge's [~~master's~~] report for suspension of commitment or
22 on a motion to revoke the respondent's community supervision and
23 suspension of commitment [~~incarceration~~].

24 SECTION 10. Sections 201.105, 201.106, 201.1065, and
25 201.1066, Family Code, are amended to read as follows:

26 Sec. 201.105. COMPENSATION OF ASSOCIATE JUDGE [~~MASTER~~].

27 (a) An associate judge [~~A master~~] appointed under this subchapter

1 is entitled to a salary to be determined by a majority vote of the
2 presiding judges of the administrative judicial regions. The
3 salary may not exceed 90 percent of the salary paid to a district
4 judge as set by the General Appropriations Act [~~state general~~
5 ~~appropriations act~~].

6 (b) The associate judge's [~~master's~~] salary shall be paid
7 from [~~the~~] county funds [~~fund~~] available for payment of officers'
8 salaries or from funds available from the state and federal
9 government as provided by this subchapter [~~in Section 201.107~~].

10 Sec. 201.106. CHILD SUPPORT COURT MONITOR AND OTHER
11 PERSONNEL. (a) The presiding judge of an administrative judicial
12 region or the presiding judges of the administrative judicial
13 regions, by majority vote, may appoint other personnel, including a
14 child support court monitor for each associate judge [~~master~~]
15 appointed under this subchapter, as needed to implement and
16 administer the provisions of this subchapter.

17 (b) The salaries [~~salary~~] of the personnel and court
18 monitors shall be paid from [~~the~~] county funds [~~fund~~] available for
19 payment of officers' salaries or from funds available from the
20 state and federal government as provided by this subchapter
21 [~~Section 201.107~~].

22 Sec. 201.1065. DUTIES OF CHILD SUPPORT COURT MONITOR. (a) A
23 child support court monitor appointed under this subchapter
24 [~~Section 201.106~~] shall monitor child support cases in which the
25 obligor is placed on probation for failure to comply with the
26 requirements of a child support order.

27 (b) In monitoring a child support case, a court monitor

1 shall:

2 (1) conduct an intake assessment of the needs of an
3 obligor that, if addressed, would enable the obligor to comply with
4 a child support order;

5 (2) refer an obligor to employment services offered by
6 the employment assistance program under Section 302.0035, Labor
7 Code, if appropriate;

8 (3) provide mediation services or referrals to
9 services, if appropriate;

10 (4) schedule periodic contacts with an obligor to
11 assess compliance with the child support order and whether
12 additional support services are required; ~~and~~

13 (5) monitor the amount and timeliness of child support
14 payments owed and paid by an obligor; and

15 (6) if appropriate, recommend that the court:

16 (A) discharge an obligor from or modify the terms
17 of the obligor's community supervision; or

18 (B) revoke an obligor's community supervision.

19 Sec. 201.1066. SUPERVISION OF ASSOCIATE JUDGES ~~[MASTERS]~~.
20 ~~[(a) Not later than January 1, 2000, the office of court~~
21 ~~administration and the presiding judges of the administrative~~
22 ~~judicial regions shall report to the legislature a plan to improve~~
23 ~~the efficiency of the masters appointed under this subchapter and~~
24 ~~the masters' participation in the child support enforcement program~~
25 ~~in the state.~~

26 ~~[(b) The plan must:~~

27 ~~[(1) contain written personnel performance standards~~

1 ~~and require annual performance evaluations for the masters and~~
2 ~~other personnel appointed under this subchapter,~~

3 ~~[(2) require uniform practices,~~

4 ~~[(3) address training needs and resource requirements~~
5 ~~of the masters,~~

6 ~~[(4) ensure accountability of the masters for~~
7 ~~complying with applicable federal and state law, including statutes~~
8 ~~regarding a minimum 40-hour workweek and working hours under~~
9 ~~Chapter 658, Government Code, and~~

10 ~~[(5) require a uniform process for receiving,~~
11 ~~handling, and resolving complaints about individual masters or the~~
12 ~~child support masters program under this subchapter.~~

13 [(e)] The office of court administration shall assist the
14 presiding judges in:

15 (1) monitoring the associate judges' [masters']
16 compliance with job performance standards and federal and state
17 laws and policies;

18 (2) addressing the training needs and resource
19 requirements of the associate judges;

20 (3) conducting annual performance evaluations for the
21 associate judges and other personnel appointed under this
22 subchapter based on written personnel performance standards
23 adopted by the presiding judges; and

24 (4) receiving, investigating, and resolving
25 complaints about particular associate judges or the associate judge
26 program under this subchapter based on a uniform process adopted by
27 the presiding judges.

1 SECTION 11. Sections 201.107(a) and (b), Family Code, are
2 amended to read as follows:

3 (a) The office of court administration may contract with the
4 Title IV-D agency for available state and federal funds under Title
5 IV-D and may employ personnel needed to implement and administer
6 this subchapter. An associate judge [~~A master~~], a court monitor for
7 each associate judge [~~master~~], and other personnel appointed under
8 this subchapter are state employees for all purposes, including
9 accrual of leave time, insurance benefits, retirement benefits, and
10 travel regulations.

11 (b) The presiding judges of the administrative judicial
12 regions, state agencies, and counties may contract with the Title
13 IV-D agency for available federal funds under Title IV-D to
14 reimburse costs and salaries associated with associate judges
15 [~~masters~~], court monitors, and personnel appointed under this
16 subchapter and may also use available state funds and public or
17 private grants.

18 SECTION 12. Section 201.110(a), Family Code, is amended to
19 read as follows:

20 (a) Title IV-D cases must be completed from the time of
21 successful service to the time of disposition within the following
22 time:

- 23 (1) 75 [~~90~~] percent within six [~~three~~] months; and
24 (2) 90 [~~98~~] percent within [~~six months, and~~
25 [~~(3) 100 percent within~~] one year.

26 SECTION 13. The heading to Section 201.111, Family Code, is
27 amended to read as follows:

1 Sec. 201.111. TIME TO ACT ON ASSOCIATE JUDGE'S [~~MASTER'S~~]
2 REPORT THAT INCLUDES FINDING OF CONTEMPT.

3 SECTION 14. Section 201.111(a), Family Code, is amended to
4 read as follows:

5 (a) Not later than the 10th day after the date an associate
6 judge's [~~a master's~~] report recommending a finding of contempt is
7 filed, the referring court shall:

8 (1) adopt, approve, or reject the [~~master's~~] report;

9 (2) hear further evidence; or

10 (3) recommit the matter for further proceedings.

11 SECTION 15. Sections 201.112 and 201.113, Family Code, are
12 amended to read as follows:

13 Sec. 201.112. LIMITATION ON LAW PRACTICE BY CERTAIN
14 ASSOCIATE JUDGES [~~MASTER~~]. A full-time associate judge appointed
15 under this subchapter [~~A master~~] may not engage in the private
16 practice of law.

17 Sec. 201.113. VISITING ASSOCIATE JUDGE [~~CHILD SUPPORT~~
18 ~~MASTER~~]. (a) If an associate judge [~~a child support master~~]
19 appointed under this subchapter is temporarily unable to perform
20 the associate judge's [~~master's~~] official duties because of absence
21 resulting from family circumstances, illness, injury, [~~or~~]
22 disability, or military service, or if there is a vacancy in the
23 position of associate judge, the presiding judge of the
24 administrative judicial region in which the associate judge
25 [~~master~~] serves or the vacancy occurs may appoint a visiting
26 associate judge for Title IV-D cases [~~child support master~~] to
27 perform the duties of the associate judge [~~master~~] during the

1 period the associate judge [~~master~~] is unable to perform the
 2 associate judge's [~~master's~~] duties or until another associate
 3 judge is appointed to fill the vacancy.

4 (b) A person is not eligible for appointment under this
 5 section unless the person has served as a child support master or
 6 associate judge for at least two years before the date of
 7 appointment.

8 (c) A visiting associate judge [~~master~~] appointed under
 9 this section is subject to each provision of this chapter that
 10 applies to an associate judge [~~a child support master~~] serving
 11 under a regular appointment under this subchapter. A visiting
 12 associate judge [~~master~~] appointed under this section is entitled
 13 to compensation to be determined by a majority vote of the presiding
 14 judges of the administrative judicial regions through use of funds
 15 under this subchapter [~~Section 201.105(b)~~]. A visiting associate
 16 judge is not considered to be a state employee for any purpose.

17 SECTION 16. The heading to Subchapter C, Chapter 201,
 18 Family Code, is amended to read as follows:

19 SUBCHAPTER C. ASSOCIATE JUDGE FOR [~~SUBSTITUTE CARE AND~~]
 20 CHILD PROTECTION [~~PROTECTIVE SERVICES~~] CASES

21 SECTION 17. Sections 201.201(a) and (d), Family Code, are
 22 amended to read as follows:

23 (a) The presiding judge of each administrative judicial
 24 region, after conferring with the judges of courts in the region
 25 having family law jurisdiction and a child protection [~~substitute~~
 26 ~~care~~] caseload, shall determine which courts require the
 27 appointment of a full-time or part-time associate judge to complete

1 each case within the times specified in Chapters 262 and 263.

2 (d) If the presiding judge determines that a court requires
3 an associate judge, the presiding judge shall appoint an associate
4 judge. If an associate judge is appointed for a court, all child
5 protection [~~substitute care~~] cases shall be referred to the
6 associate judge by a general order for each county issued by the
7 judge of the court for which the associate judge is appointed or, in
8 the absence of that order, by a general order issued by the
9 presiding judge who appointed the associate judge.

10 SECTION 18. Section 201.204, Family Code, is amended to
11 read as follows:

12 Sec. 201.204. GENERAL POWERS [~~AND DUTIES~~] OF ASSOCIATE
13 JUDGE. (a) On the motion of a party or the associate judge, an
14 associate judge may refer a complex case back to the referring court
15 for final disposition after recommending temporary orders for the
16 protection of a child.

17 (b) An associate judge may render and sign any pretrial
18 order.

19 (c) An associate judge may recommend to the referring court
20 any order after a trial on the merits [~~shall take testimony and make~~
21 ~~a record in a case as provided by this chapter~~].

22 SECTION 19. Subchapter C, Family Code, is amended by adding
23 Sections 201.2041 and 201.2042 to read as follows:

24 Sec. 201.2041. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT.
25 If an appeal to the referring court is not filed or the right to
26 appeal is waived, a recommendation of the associate judge becomes
27 an order of the referring court by operation of law without

1 ratification by the referring court.

2 Sec. 201.2042. APPEAL TO REFERRING COURT. (a) Except as
3 provided by this section, Section 201.015 applies to an appeal of
4 the associate judge's recommendations.

5 (b) The party appealing an associate judge's recommendation
6 shall file notice with the referring court and the clerk of the
7 court.

8 SECTION 20. Section 201.205(b), Family Code, is amended to
9 read as follows:

10 (b) The associate judge's salary shall be paid from county
11 funds available for payment of officers' salaries subject to the
12 approval of the commissioners court or from funds available from
13 the state and federal governments as provided by this subchapter
14 [in Section 201.207].

15 SECTION 21. Section 201.206(b), Family Code, is amended to
16 read as follows:

17 (b) The salaries [~~salary~~] of the personnel shall be paid
18 from county funds available for payment of officers' salaries
19 subject to the approval of the commissioners court or from funds
20 available from the state and federal governments as provided by
21 this subchapter [~~Section 201.207~~].

22 SECTION 22. Subchapter C, Chapter 201, Family Code, is
23 amended by adding Section 201.2061 to read as follows:

24 Sec. 201.2061. SUPERVISION OF ASSOCIATE JUDGES. The office
25 of court administration shall assist the presiding judges in:

26 (1) monitoring the associate judges' compliance with
27 any applicable job performance standards, uniform practices

1 adopted by the presiding judges, and federal and state laws and
2 policies;

3 (2) addressing the training needs and resource
4 requirements of the associate judges;

5 (3) conducting annual performance evaluations for the
6 associate judges and other personnel appointed under this
7 subchapter based on written personnel performance standards
8 adopted by the presiding judges; and

9 (4) receiving, investigating, and resolving
10 complaints about particular associate judges or the associate judge
11 program under this subchapter based on a uniform process adopted by
12 the presiding judges.

13 SECTION 23. Section 201.208, Family Code, is amended to
14 read as follows:

15 Sec. 201.208. ASSIGNMENT OF JUDGES AND APPOINTMENT OF
16 VISITING ASSOCIATE JUDGES [~~JUDGE FOR CHILD PROTECTION CASES~~]. (a)
17 [~~The presiding judge of an administrative judicial region may~~
18 ~~appoint an associate judge for a court handling child protection~~
19 ~~eases.~~

20 [~~(b)~~] This chapter does not limit the authority of a
21 presiding judge to assign a judge eligible for assignment under
22 Chapter 74, Government Code, [~~appoint visiting or retired judges~~]
23 to assist in processing cases in a reasonable time.

24 (b) If an associate judge appointed under this subchapter is
25 temporarily unable to perform the associate judge's official duties
26 because of absence resulting from family circumstances, illness,
27 injury, disability, or military service, or if there is a vacancy in

1 the position of associate judge, the presiding judge of the
2 administrative judicial region in which the associate judge serves
3 or the vacancy occurs may appoint a visiting associate judge to
4 perform the duties of the associate judge during the period the
5 associate judge is unable to perform the associate judge's duties
6 or until another associate judge is appointed to fill the vacancy.

7 (c) A person is not eligible for appointment under this
8 section unless the person has served as an associate judge for at
9 least two years before the date of appointment.

10 (d) A visiting associate judge appointed under this section
11 is subject to each provision of this chapter that applies to an
12 associate judge serving under a regular appointment under this
13 subchapter. A visiting associate judge appointed under this
14 section is entitled to compensation, to be determined by a majority
15 vote of the presiding judges of the administrative judicial
16 regions, through use of funds under this subchapter. A visiting
17 associate judge is not considered to be a state employee for any
18 purpose.

19 SECTION 24. Subchapter C, Chapter 201, Family Code, is
20 amended by adding Section 201.209 to read as follows:

21 Sec. 201.209. LIMITATION ON LAW PRACTICE BY ASSOCIATE
22 JUDGE. An associate judge appointed under this subchapter may not
23 engage in the private practice of law.

24 SECTION 25. Section 231.012(a), Family Code, is amended to
25 read as follows:

26 (a) The director of the Title IV-D agency shall establish a
27 county advisory work group to assist the Title IV-D agency in

1 developing and changing child support programs that affect
2 counties. The work group shall consist of at least one of each of
3 the following:

- 4 (1) county judge;
- 5 (2) county commissioner;
- 6 (3) district clerk;
- 7 (4) domestic relations officer;
- 8 (5) associate judge for Title IV-D cases [~~master~~]; and
- 9 (6) district court judge.

10 SECTION 26. Section 54.873(b), Government Code, is amended
11 to read as follows:

12 (b) The salary may not be less than the salary authorized to
13 be paid to an associate judge for Title IV-D [~~a master for family~~
14 ~~law~~] cases appointed under Subchapter B, Chapter 201, Family Code.

15 SECTION 27. Sections 201.108 and 201.109, Family Code, are
16 repealed.

17 SECTION 28. A reference in law to a child support master
18 under Subchapter B, Chapter 201, Family Code, means an associate
19 judge under Subchapter B, Chapter 201, Family Code, as amended by
20 this Act.

21 SECTION 29. This Act takes effect September 1, 2003.

David Bushner

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 823 was passed by the House on April 1, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 823 was passed by the Senate on May 27, 2003, by the following vote: Yeas 31, Nays 0.

Lately Spaw
Secretary of the Senate

APPROVED: 20 JUN 03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

JUN 21 2003
Kevin Shea
Secretary of State