

- SUBJECT:** Extending time to appeal an associate judge’s ruling in family court
- COMMITTEE:** Juvenile Justice and Family Issues —committee substitute recommended
- VOTE:** 7 ayes — Dutton, Eiland, Bolton, Farrar, Gonzalez Toureilles, Hernandez, Vaught  
0 nays  
2 absent — Farias, Strama
- WITNESSES:** For —Jack Marr, Texas Family Law Foundation; (*Registered, but did not testify*: Jim Loveless, State Bar of Texas, Family Law Section; Christy Bradshaw Schmidt; Heidi Bruegel Cox; Wendy Burgower; Diana S. Friedman; Gary Nickelson; Doug Woodburn)  
Against — None
- BACKGROUND:** Under Family Code, sec. 201.007, an associate judge may conduct a hearing, hear evidence, compel production of relevant evidence, make findings of fact on evidence, formulate conclusions of law, and recommend an order be rendered in a suit involving the parent-child relationship. An associate judge also may render and sign a final order, a final default order, or a temporary order.
- An associate judge’s report may contain the associate judge’s findings, conclusions, and recommendations, including a proposed order. The associate judge must provide the parties notice of the substance of the report through an oral statement in open court or by sending a copy of the report by fax or by certified mail. There is a rebuttable presumption that notice is received on the date stated on:
- the signed return receipt, if notice was provided by certified mail; or
  - the confirmation page produced by the fax machine.
- Sec. 201.015 allows a party to appeal an associate judge’s report by filing notice of appeal not later than three days after the party receives notice of the substance of the associate judge’s report.

**DIGEST:** CSHB 1995 would amend the Family Code, sec. 201.015(a) to allow a party to appeal an associate judge's report by filing notice of appeal not later than seven working days after the date the party received notice of the substance of the associate judge's report.

The bill would take effect September 1, 2007, and would apply only to a suit filed on or after that date.

**SUPPORTERS SAY:** CSHB 1995 would allow more time for parties to appeal the orders of family court associate judges in suits affecting the parent-child relationship. The three days currently provided in law do not allow enough time for an appeal to be filed, especially for litigants representing themselves. In addition, it is now possible for all three days to fall on days when a courthouse might be inaccessible, such as over a holiday weekend, because there is no requirement in current law for the three days to be *working* days. By extending the time to file an appeal to seven working days, the bill would help assure fairness to litigants and attorneys who brought meritorious claims.

**OPPONENTS SAY:** No apparent opposition.