

- SUBJECT:** Creating new courts, revising certain courts' jurisdiction
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Smithee, Farrar, Gutierrez, Murr, Neave, Rinaldi, Schofield
0 nays
2 absent — Hernandez, Laubenberg
- SENATE VOTE:** On final passage, April 6 — 31-0
- WITNESSES:** *On House companion bill, HB 3372:*
For — (*Registered, but did not testify:* Joseph Green, Travis County Commissioners Court; Michelle Wittenburg, Fort Bend County)

Against — None

On — David Slayton, Texas Judicial Council, Office of Court Administration
- DIGEST:** CSSB 1329 would create new courts and amend certain courts' jurisdiction, amend the definition of a Title IV-D case, revise certain authority given to associate judges in suits relating to parent-child relationships, revise laws dealing with bailiffs in certain counties, require the filing of certain judicial oaths with the secretary of state, and increase the fee that may be charged for the issuance of an attorney's license with a seal.
- New courts, court jurisdiction.** The bill would create the following new courts on these dates:
- 453rd Judicial District, composed of Hays County, September 1, 2018;
 - 458th Judicial District, composed of Fort Bend County, September 1, 2017;

- 459th Judicial District, composed of Travis County, to give preference to civil matters, October 1, 2017;
- 460th Judicial District, composed of Travis County, to give preference to criminal matters, October 1, 2019;
- 462nd Judicial District, composed of Denton County, January 1, 2019;
- 464th Judicial District, composed of Hidalgo County, January 1, 2019;
- County Court at Law No. 6 of Fort Bend County, January 1, 2018;
and
- County Court at Law No. 3 of Hays County, October 1, 2018.

The bill also would create the County Court at Law for Grimes County, effective October 1, 2017. In addition to the jurisdiction given to statutory county courts in Government Code, sec. 25.0003, the court would be given concurrent jurisdiction with the district court in family law cases and proceedings. The bill would establish requirements and authority related to the court's operation, including the judge's salary, expenses, staff, services and jurors. The judge of the county court at law could not engage in a private law practice.

The bill would give the County Criminal Court No. 4 of Denton County jurisdiction over mental health matters.

The bill would remove the concurrent jurisdiction currently given to a county court at law in Walker County with the district court for certain cases. The bill would revise the duties of the judge of a county court at law in Walker County as they relate to court reporters and their salaries. The bill also repeal provisions detailing the salary for the judge of the Walker County Court at law.

Title IV-D case definitions. The bill would revise the Family Code definition of what is considered a Title IV-D case, which are cases in which the child support division of the office of the attorney general provides services relating to the location of absent parents, determination of parentage, or child support or medical support. The definition would be

expanded to include certain suits for modification and other actions relating to services provided by the attorney general's office in these cases.

Associate judge, parent-child suits. The bill would revise the authority of associate judges to render and sign certain orders in suits involving parent-child relationships and certain adoption cases. The bill would authorize an associate judge to render a final order in a suit affecting the parent-child relationship if the parties waived the right to a de novo hearing before the court that referred the case to the associate judge. The waiver would have to be made in writing before the start of a hearing conducted by the associate judge. The orders that the bill would allow associate judges to render and sign would constitute orders of the court that referred the suit to the associate judge. Orders signed by associate judges before May 1, 2017, would be final orders considered to be rendered as of the date they were signed.

Associate judges would be authorized to hear and render an order in an adoption suit for a child in the care of the Department of Family and Protective Services.

Bailiffs. The bill would require the judges of the 244th, 358th, and 446th district courts to each appoint a bailiff. The judges of the 271st District Court and the judges of the county courts at law in Wise County also would be required to each appoint a bailiff.

The bill would create or alter the requirements for bailiffs in the 70th, 161st, 244th, 358th, and 271st district courts. The bill would subject the 244th, 358th, and 446th district courts to certain existing requirements for deputizing bailiffs in specified courts. The bailiffs in the 244th, 358th, and 446th district courts would be added to those who are considered peace officers, unless the judge who appointed the bailiff provided otherwise.

The bill would include the bailiffs in the 244th, 271st, 358th, and 446th district courts and the bailiffs of the county courts at law in Wise County among the bailiffs who currently are required to swear a certain oath.

Bailiffs appointed by the judge of the 271st District Court or appointed by a county court at law judge in Wise County would be entitled to receive a salary that did not exceed the salary of a lieutenant in the sheriff's department of the county. The salary would be paid out of the county's general fund.

Judicial oaths. CSSB 1329 would require the oath of office and the signed statement required by the Texas Constitution of certain individuals to be filed with the secretary of state. The requirement would apply to officers appointed by the Texas Supreme Court, Court of Criminal Appeals, or State Bar and any associate judges appointed in a Title IV-D or child protection case.

Fee for attorney license with seal. The bill would raise the fee from \$10 to \$25 that the clerk of the Texas Supreme Court is required to collect when issuing an attorney's license or certificate with a seal.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSSB 1329 would create new courts to help ensure the state has adequate judicial resources. As the Texas population grows and shifts, there is an impact on the courts, and the state's judicial system needs to be adjusted. The courts that would be created by the bill were identified by the Office of Court Administration after analysis of several factors, including increases in caseloads and case backlogs. Creating new courts as needed works well for the state because it allows the Legislature to focus resources where the data support a need. Counties in which a new court would be created have adopted resolutions in support of an additional court in their area.

The bill also would clarify that modifications of child support orders by the child support division of the attorney general's office would be considered a Title IV-D case to reflect current practice and to ensure modifications were treated like other actions in these cases. Associate judges' authority to sign and render final orders in parent-child relationship suits would be clarified and revised to make the process more

efficient, while allowing those involved in the suits to preserve the ability for a trial de novo, if they wished.

Other changes would ensure that certain bailiffs were subject to the specified statutes, that the law governing a county court at law in Walker county was similar to that of other counties, that statements of judicial oaths were filed in one place, and that an adequate fee could be charged to pay for the cost of issuing a copy of an attorney license with a decorative seal.

The bill could be amended to remove the provision giving the County Criminal Court No. 4 in Denton County jurisdiction over mental health matters.

**OPPONENTS
SAY:**

The Legislature may want to be cautious about establishing certain new courts, such as ones in areas like Hidalgo County, where the increase in caseloads could be associated with singular weather events and an associated increase in lawsuits. Measures being considered by the 85th Legislature to decrease the volume of lawsuits related to severe weather events could mitigate the need for courts in this areas.

CSSB 1329 should not give the County Criminal Court No. 4 in Denton County jurisdiction over mental health matters. These matters are traditionally handled by civil courts, and moving jurisdiction to a criminal court could further the stigmatization of mental health issues. Although CSSB 1329 would change jurisdiction over mental health issues in only one court, it could open the door to similar changes in other courts.

NOTES:

The fiscal note for CSSB 1329 estimates a cost of \$1.5 million to the general revenue fund for fiscal 2018-19 and an ongoing annual cost of about \$1.3 million.

The bill's author plans to offer an amendment to eliminate the provision that would give the County Criminal Court No. 4 of Denton County jurisdiction over mental health matters.

The House committee substitute differs from the Senate-passed version in certain ways, including by adding the new court for the 453rd Judicial District composed of Hays County, amending the effective dates for certain courts that would be created by the bill, and adding provisions relating to Walker County, the fee for attorney's licenses with seals, and provisions on bailiffs.