

- SUBJECT:** Modifying requirements for de novo hearings
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 7 ayes — Raymond, Frank, Miller, Minjarez, Rose, Swanson, Wu
0 nays
2 absent — Keough, Klick
- SENATE VOTE:** On final passage, April 26 — 30-1 (V. Taylor), on Local and Uncontested Calendar
- WITNESSES:** No public hearing
- BACKGROUND:** Family Code, sec. 201.2042 requires a party requesting a de novo hearing before the referring court to file notice with the referring court and the court's clerk. Sec. 201.015 requires the referring court, after notice to the parties, to hold a de novo hearing within 30 days after the date on which the initial request for the hearing was filed with the referring court's clerk.
- Observers have noted that some referring courts do not hold de novo hearings for suits affecting the parent-child relationship within the statutorily required time frame, which can delay a child's ability to find permanency. Some suggest that extending the deadline by which a referring court had to hold a de novo hearing and requiring child protection cases to be heard before other pending matters would address inefficiencies in court proceedings.
- DIGEST:** CSSB 1444 would require suits affecting the parent-child relationship to receive precedence over other pending matters to ensure a court reached a prompt decision. The bill would require parties who requested a de novo hearing to also notify the associate judge.
- The bill would prohibit a party from requesting a de novo hearing on a default judgment or an agreed order. The referring court, after giving

notice to the parties, would have to hold a de novo hearing on an associate judge's proposed final order or judgment following a trial on the merits for suits affecting the parent-child relationship, and no later than 45 days after the date the initial request was filed.

Unless the referring court rendered an order disposing of the de novo hearing request within 45 days, the request for a de novo hearing would be considered denied by the referring court. If the referring court had not held a de novo hearing on an associate judge's proposed order or judgment within the required time after the date the initial request for a de novo hearing was filed, the bill would allow a party to file a petition for a writ of mandamus to compel the referring court to hold a de novo hearing. The date the hearing request was denied would be the controlling date for the purpose of an appeal to, or a request for other relief from, a court of appeals or the Texas Supreme Court.

The bill would repeal provisions regarding the effect a de novo hearing in the referring court would have on the finality of proposed orders or judgments rendered by an associate judge for suits affecting the parent-child relationship.

The bill would take effect September 1, 2017, and would apply to a request for a de novo hearing that was filed on or after that date.