

BILL ANALYSIS

Senate Research Center

H.B. 2927
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that potentially thousands of Texans who have gone before an associate judge who signed a final order in their case may not actually have a final judgment if the referring court never signed the order, creating concern that those cases could be reopened at any time. H.B. 2927 remedies this situation by retroactively allowing an associate judge to render certain final orders.

H.B. 2927 amends current law relating to certain powers of an associate judge under the Family Code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.007, Family Code, by amending Subsections (a) and (c) and adding Subsection (e), as follows:

(a) Authorizes an associate judge, except as limited by an order of referral, to:

(1) through (13) makes no changes to these subdivisions;

(14) without prejudice to the right to a de novo hearing before the referring court, rather than to the right of appeal, under Section 201.015 (De Novo Hearing Before Referring Court) and subject to Subsection (c), render and sign certain orders;

(15) makes no changes to this subdivision; and

(16) render and sign a final order if the parties waive the right to a de novo hearing before the referring court under Section 201.015 in writing before the start of a hearing conducted by the associate judge, rather than sign a final order that includes a waiver of the right of appeal pursuant to Section 201.015.

(c) Provides that a final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) (relating to requesting a de novo hearing not later than a certain date) if a party does not request a de novo hearing in accordance with that section. Provides that an order described by Subsection (a)(14) or (16), rather than Subsection (a)(14), that is rendered and signed by an associate judge constitutes an order of the referring court.

(e) Provides that an order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

SECTION 2. Amends Section 201.013(b), Family Code, to provide that, except as provided by Section 201.007(c), if a request for a de novo hearing before the referring court is not timely

filed, rather than if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

SECTION 3. Amends Section 201.014(a), Family Code, to create an exception as otherwise provided in this subchapter (Associate Judge).

SECTION 4. Amends Section 201.016(c), Family Code, to provide that the date an agreed order, a default order, or a final order described by Section 201.007(a)(16), rather than the date an agreed order or a default order, is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the Texas supreme court.

SECTION 5. (a) Makes application Section 201.007(a), Family Code, as amended by this Act, prospective.

(b) Provides that, notwithstanding Subsection (a) of this section, Section 201.007(e), Family Code, as added by this Act, applies to an order signed by an associate judge under Section 201.007(a)(16), Family Code, before May 1, 2017. Provides that the legislature ratifies such an order.

SECTION 6. Effective date: upon passage or September 1, 2017.