

- SUBJECT:** Allowing associate judges to sign temporary orders in family law cases
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Goodman, Castro, Nixon, Strama
0 nays
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson
- WITNESSES:** For — Tom Stansbury, Texas Family Law Foundation
Against — None
- BACKGROUND:** Family Code, sec. 201.001 allows the judge of a court having jurisdiction under Family Code, Title 5 — The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship — to appoint an associate judge to perform certain duties. The commissioner’s court of the county in which the court has jurisdiction must authorize the employment of the associate judge. To be eligible for appointment as an associate judge, a person must be qualified to serve as a judge.

Sec. 201.007, grants specific powers to an associate judge, including the ability to conduct a hearing, hear evidence, and make findings of fact on evidence. The judge also may render and sign a final agreed order or a default order. A signed order constitutes an order from the court that referred the matter to the associate judge.
- DIGEST:** HB 1179 would extend the powers of an associate judge to include the ability to render and sign a temporary order. It also would add signed and rendered temporary orders to the list of orders that constitute an order from the court that referred the matter to the associate judge.

The bill would take effect September 1, 2005.
- SUPPORTERS SAY:** Under current law, an associate judge is authorized to make findings of fact and conclusions of law and to render and sign a final order agreed to by the parties and a final default order, among many other powers.

Allowing associate judges to render and sign temporary orders would be similar to the authority the judge already possesses. In addition, associate judges have the same qualifications as other judges, so allowing them to assume an extra duty that other judges currently perform would not have any negative implications.

Further, regular judges are often busier than associate judges and thus often are not able to sign orders within a short amount of time. Having a temporary order signed soon after it is drafted, however, is important, and associate judges often would be able to review and sign such documents more quickly than other judges.

OPPONENTS
SAY:

No apparent opposition.