

## **BILL ANALYSIS**

Senate Research Center  
78R441 MCK-D

H.B. 821  
By: Goodman (Harris)  
Jurisprudence  
5/5/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, the Texas Family Code provides that an associate judge must provide the parties participating in the hearing notice of the substance of the associate judge's report. It states that notice may be given to the parties in open court, by an oral statement or a copy of the associate judge's written report, including any proposed order, or it may be sent by certified mail with a return receipt requested. H.B.821 authorizes notice of the associate judge's report to also be given by facsimile transmission and provides that, if notice is done by fax, the associate judge must certify the date of the facsimile transmission. This bill also provides that if notice is sent by certified mail or fax there is a rebuttable presumption that notice is received on the date stated on the signed return receipt of certified mail or on the confirmation page of the fax.

### **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 Sections 201.011(c) and (d), Family Code, as follows:

- (c) Authorizes notice to be given to parties in a certain manner, including by facsimile transmission.
- (d) Requires the associate judge to certify the date of mailing of notice by certified mail or the date of the facsimile transmission. Provides that there is a rebuttable presumption that notice is received on the date stated on a certain form.

SECTION 2. Effective date: September 1, 2003.