

## **BILL ANALYSIS**

Senate Research Center  
81R846 CS-D

H.B. 2232  
By: Phillips (Deuell)  
Jurisprudence  
5/21/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Commissioners Court of Fannin County has determined that Fannin County is in need of a county court at law to address the backlog of cases in the county.

H.B. 2232 creates a county court at law in Fannin County.

### **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 Subchapter C, Chapter 25, Government Code, by adding Sections 25.0761 and 25.0762, as follows:

Sec. 25.0761. FANNIN COUNTY. Provides that Fannin County has one statutory county court, the County Court at Law of Fannin County.

Sec. 25.0762. FANNIN COUNTY COURT AT LAW PROVISIONS. (a) Provides that in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law and except as provided by Subsection (b), a county court at law in Fannin County has concurrent jurisdiction with the district court in family law cases and proceedings, including proceedings under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child), Family Code, and proceedings under Title 3 (Juvenile Justice Code), Family Code.

(b) Provides that a county court at law does not have jurisdiction of proceedings under Section 262.201 (Full Adversary Hearing; Findings of the Court), Family Code, or Section 54.03 (Adjudication Hearing) or 54.04 (Disposition Hearing), Family Code.

(c) Requires a county court at law to transfer a family law case or proceeding instituted under Chapter 262, Family Code, from that court to the district court before a hearing governed by Section 262.201, Family Code, is commenced. Requires that a case or proceeding transferred as required by this subsection be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the district court. Prohibits the district court from transferring the case or proceeding back to the county court at law, except as provided by Section 262.203(a) (relating to requiring the court that rendered the temporary order to transfer the suit under certain conditions), Family Code.

(d) Requires a county court at law to transfer a juvenile case or proceeding instituted under Title 3, Family Code, from that court to another court designated as a juvenile court under Section 51.04 (Jurisdiction), Family Code, before a hearing governed by Section 54.03, Family Code, is commenced. Requires that a case or proceeding transferred as required by this subsection be completed under the same cause number and in the same manner as if the case or proceeding were originally filed in the juvenile court. Prohibits the juvenile court from transferring the case or proceeding back to the county court at law.

SECTION 2. Provides that the County Court at Law of Fannin County is created September 1, 2009.

SECTION 3. Effective date: September 1, 2009.