

BILL ANALYSIS

Senate Research Center

S.B. 742
By: Wentworth
Jurisprudence
8/4/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the presiding judges of the administrative judicial regions have the authority to appoint associate judges and visiting associate judges to hear Title IV-D child support and child protection cases under Subchapters B (Associate Judge for Title IV-D Cases) and C (Associate Judge for Child Protection Cases), Chapter 201, Texas Family Code. The associate judges appointed under Subchapters B and C are state employees of the Office of Court Administration who work on statewide programs. As such, the requirement that the person live in the administrative judicial region to be served or an adjacent county for the two years preceding appointment has severely limited the pool of persons eligible for appointment.

S.B. 742 changes the eligibility requirements to expand the pool of judges who are authorized to be appointed to hear such cases by removing the two-year preappointment residency requirement for child support and child protection associate judges and by adding district court and statutory county court judges to those eligible for appointment as child support and child protection visiting associate judges. S.B. 742 also clarifies that a judge eligible for assignment under Section 74.054, Government Code, is eligible for assignment as an associate judge under Subchapters B and C, Chapter 201, Texas 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 201.1021(a), Family Code, as follows:

(a) Requires a person, to be eligible for appointment under this subchapter, to be a citizen of the United States, have resided in this state, rather than the administrative judicial region, or a county adjacent to the region, in which the court to which the person is appointed is located, for the two years preceding the date of appointment, and be:

(1) eligible for assignment under Section 74.054 (Judges Subject to Assignment), Government Code, because the person is named on the list of retired and former judges maintained by the presiding judge of the administrative region under Section 74.055 (List of Retired and Former Judges Subject to Assignment), Government Code; or

(2) licensed to practice law in this state and have been a practicing lawyer in this state, or a judge of a court in this state who is not otherwise eligible under Subdivision (1), for the four years preceding the date of appointment.

SECTION 2. Amends Section 201.113(b), Family Code, as follows:

(b) Provides that a person is not eligible for appointment under this section unless the person has served as a master or associate judge, rather than a child support master or associate judge, under this chapter, a district judge, or a statutory county court judge for at least two years before the date of appointment.

SECTION 3. Amends Section 201.2021(a), Family Code, as follows:

(a) Requires a person, to be eligible for appointment under this subchapter, to be a citizen of the United States, have resided in this state, rather than the administrative judicial region, or a county adjacent to the region, in which the court to which the person is appointed is located, for the two years preceding the date of appointment, and be:

(1) eligible for assignment under Section 74.054 (Judges Subject to Assignment), Government Code, because the person is named on the list of retired and former judges maintained by the presiding judge of the administrative region under Section 74.055 (List of Retired and Former Judges Subject to Assignment), Government Code; or

(2) licensed to practice law in this state and have been a practicing lawyer in this state, or a judge of a court in this state who is not otherwise eligible under Subdivision (1), for the four years preceding the date of appointment.

SECTION 4. Amends Section 201.208(c), Family Code, to provide that a person is not eligible for appointment under this section unless the person has served as a master or associate judge under this chapter, a district judge, or a statutory county court judge for at least two years before the date of appointment.

SECTION 5. Makes application of the changes to Sections 201.102(a) and 201.2021(a), Family Code, of this Act prospective.

SECTION 6. Makes application of the changes to Sections 201.113(b) and 201.208(c), Family Code, of this Act prospective.

SECTION 7. Effective date: upon passage or September 1, 2009.