

BILL ANALYSIS

Senate Research Center

S.B. 1233
By: Rodríguez
State Affairs
6/5/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1233 is part of the legislative package of the Family Law Section of the State Bar of Texas. The bill was approved by the Section's Legislative Committee, reviewed and approved by all sections of the Bar, and approved by the full board of the State Bar.

S.B. 1233 addresses a problem that only exists in those large counties, such as Harris, Dallas, Tarrant, and Travis Counties, that use associate judges to shoulder some of the caseload of elected judges in family law cases. The current Family Code lists district and county court judges as being subject to a writ of mandamus issued by a court of appeals if a party in a family law case believes the district or county court has deviated from the established law.

Because associate judges issue orders that affect parties in family law cases, S.B. 1233 simply adds those judges to the list of judges who can be mandamus in a family law case.

S.B. 1233 amends current law relating to a writ of mandamus by a court of appeals against certain judges.

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 22.221(b), Government Code, as follows:

(b) Authorizes each court of appeals for a court of appeals district to issue all writs of mandamus, agreeable to the principles of law regulating those writs, against:

- (1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district;
- (2) makes a nonsubstantive change; or
- (3) an associate judge of a district or county court appointed by a judge under Chapter 201 (Associate Judge), Family Code, in the court of appeals district for the judge who appointed the associate judge.

Makes nonsubstantive changes.

SECTION 2. (a) Provides that Section 22.221(b)(1), Government Code, as amended by this Act, applies only to a proceeding seeking a writ of mandamus filed in a court of appeals under Section 22.221 (Writ Power), Government Code, on or after the effective date of this Act. Provides that a proceeding seeking a writ of mandamus filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

(b) Provides that Section 22.221(b)(3), Government Code, as amended by this Act, applies only to a suit filed under Chapter 45 (Change of Name), Title 1 (The Marriage Relationship), Title 4 (Protective Orders and Family Violence), or Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code, on or after the effective date of this Act. Provides that a suit filed under Chapter 45, Title 1, Title 4, or Title 5, Family Code, before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2017.