

BILL ANALYSIS

Senate Research Center
81R3972 KKA-F

S.B. 1440
By: Watson
Jurisprudence
3/30/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is inefficient to delay the effectiveness of a child support or child protection associate judge's proposed order or judgment when a request for de novo review of such order or judgment has not been filed or has been waived, by requiring the signature of the referring court in order to become the order of the referring court.

As proposed, S.B. 1440 amends Sections 201.1041 (Judicial Action on Associate Judge's Proposed Order or Judgment) and 201.2041 (Judicial Action on Associate Judge's Proposed Order or Judgment), Family Code, to clarify that the signature of the judge of a referring court is not required on a child support or child protection associate judge's proposed order or judgment to become the order of the referring court.

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 201.1041(a), Family Code, to require, if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, that the proposed order or judgment of the associate judge, other than a proposed order or judgment providing for enforcement by contempt or the immediate incarceration of a party, become the order or judgment of the referring court by operation of law without the signature of the judge of the referring court or ratification by the referring court.

SECTION 2. Amends Section 201.2041(a), Family Code, to provide that the proposed order or judgment of the associate judge becomes the order or judgment of the referring court by operation of law without the signature of the judge of the referring court or ratification by the referring court if a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived.

SECTION 3. Effective date: upon passage or September 1, 2009.