

By: West

S.B. No. 1444

A BILL TO BE ENTITLED

AN ACT

relating to de novo hearings in child protection cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.2042, Family Code, is amended by amending Subsection (b) and adding Subsections (c) through (h) to read as follows:

(b) The party requesting a de novo hearing before the referring court shall file notice with the referring court, ~~and~~ the clerk of the referring court, and the associate judge.

(c) A party may not request a de novo hearing on a default judgment or an agreed order.

(d) A request for a de novo hearing under this section must specify the issues to be presented to the referring court. If the request for a de novo hearing fails to specify the issues, the referring court shall deny the relief requested and refuse to schedule a de novo hearing.

(e) Proceedings under this section shall be given precedence over other pending matters to the extent necessary to ensure the court reaches a decision promptly.

(f) After notice to the parties, the referring court shall hold a de novo hearing on an associate judge's proposed order or judgment following a trial on the merits and not later than the 45th day after the date the initial request for a de novo hearing is filed. Unless the referring court has rendered an order disposing

1 of the request for a de novo hearing within the period provided by
2 this subsection, the request for a de novo hearing is considered
3 denied by the referring court.

4 (g) If the referring court has not held a de novo hearing on
5 an associate judge's proposed order or judgment on or before the
6 30th day after the date the initial request for a de novo hearing is
7 filed, a party may file a petition for a writ of mandamus to compel
8 the referring court to hold the hearing required by Subsection (f).

9 (h) Except as provided by Section 201.016, the date the
10 request for a de novo hearing is considered denied under Subsection
11 (f) is the controlling date for the purpose of an appeal to, or a
12 request for other relief from, a court of appeals or the supreme
13 court.

14 SECTION 2. Sections 201.014(b) and 201.2041(b), Family
15 Code, are repealed.

16 SECTION 3. The changes in law made by this Act apply only to
17 a request for a de novo hearing that is filed on or after the
18 effective date of this Act. A request for a de novo hearing filed
19 before the effective date of this Act is governed by the law in
20 effect on the date the request was filed, and the former law is
21 continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2017.