

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE D. JUDICIAL PERSONNEL AND OFFICIALS

CHAPTER 54B. ASSOCIATE JUDGES IN CERTAIN COUNTIES

SUBCHAPTER A. ASSOCIATE JUDGES IN DUVAL COUNTY

Sec. 54B.001. APPOINTMENT. The judge of the 229th District Court, with the approval of the Commissioners Court of Duval County, may appoint a full-time or a part-time associate judge to perform the duties authorized by this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.002. QUALIFICATIONS. To be eligible for appointment as an associate judge, a person must:

(1) be a resident of this state and Duval County; and

(2) meet the requirements and qualifications to serve as a judge of the court to which the person is appointed.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.003. COMPENSATION. (a) An associate judge is entitled to the compensation set by the Commissioners Court of Duval County.

(b) The salary shall be paid from the county fund available for payments of officers' salaries.

(c) This section does not apply to an associate judge appointed under Chapter 54A of this code or Section 201.001, Family Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.004. PRIVATE PRACTICE. A part-time associate judge may engage in the private practice of law, unless restricted on a finding that it is not in the public interest by the appointing judge.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.005. TERMINATION OF SERVICES. (a) An associate judge serves at the will of the judge of the 229th District Court.

(b) This section does not apply to an associate judge appointed under Chapter 54A of this code or Section 201.001, Family Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.006. REFERRAL OF CASE. (a) The appointing judge may refer to an associate judge any aspect of a civil or criminal case involving a matter over which the referring court has jurisdiction in Duval County.

(b) After notice to all parties of the time and place of hearing, an associate judge may preside over any hearing, including:

(1) for a civil case, proceedings involving:

(A) a temporary order in an action or suit for support by one spouse against another;

(B) a motion or suit to modify a temporary or final order;

(C) temporary orders in a suit affecting the parent-child relationship;

(D) an application for a temporary injunction related to temporary possession or use of property;

(E) habeas corpus, including any hearing authorized by the Family Code;

(F) a motion to transfer;

(G) a motion of contempt for failure or refusal to obey a temporary or final order;

(H) an action brought under Chapter 159, Family Code;

(I) an action for the protection of the family;

(J) a matter on which the parties agree;

(K) a matter in which a party is entitled to a

default judgment;

(L) a divorce action in which a waiver of citation is on file;

(M) a friendly suit; and

(N) any other matter in the jurisdiction of the court, including a pretrial motion, discovery, a summary judgment, and other matters governed by the Texas Rules of Civil Procedure; and

(2) for a criminal case, proceedings involving:

(A) a negotiated plea of guilty or nolo contendere;

(B) a bond forfeiture;

(C) a pretrial motion;

(D) a postconviction writ of habeas corpus;

(E) an examining trial; and

(F) any other matter that the judge considers proper.

(c) A judge may not refer to an associate judge any criminal case for trial on the merits in which a jury trial has been requested.

(d) Unless a party files a written objection to the associate judge hearing the trial, the appointing judge may refer to an associate judge a trial on the merits. If an objection is filed, the trial on the merits shall be heard by the referring court.

(e) A trial on the merits is a final adjudication from which an appeal may be taken to a court of appeals.

(f) An associate judge may not conduct a contested trial on the merits to terminate parental rights unless the affected parties give written consent to the contested trial by the associate judge. Unless written consent is given by the affected parties to a contested trial on the merits, any order terminating parental rights issued pursuant to an associate judge's report resulting from the contested trial is void.

(g) On appointment of an associate judge, any pending or future cases may be referred to the associate judge.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec.

5.007, eff. September 1, 2023.

Sec. 54B.007. ORDER OF REFERRAL. (a) To refer cases to an associate judge, the referring court must issue an order of referral.

(b) The order of referral may limit the power or duties of an associate judge.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.008. POWERS. Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend the judgment to be made in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) rule on all criminal pretrial motions; and
- (13) perform any act and take any measure necessary and proper for the efficient performance of the associate judge's duties.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.009. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing held by an associate judge if directed by the referring court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.010. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear before an associate judge after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.011. REPORT TRANSMITTED TO COURT; NOTICE. (a) At the conclusion of any hearing conducted by an associate judge and on the preparation of an associate judge's report, the associate judge shall transmit to the referring court:

- (1) all papers relating to the case; and
- (2) the associate judge's signed and dated report.

(b) After the associate judge's report has been signed, the associate judge shall give notice of the substance of the report to the parties participating in the hearing.

(c) The associate judge's report may contain the associate judge's findings, conclusions, or recommendations. The associate judge's report must be in writing in a form as the referring court may direct. The form may be a notation on the referring court's docket sheet.

(d) The notice required under Subsection (b) may be given in open court or may be given by certified mail, return receipt requested. If the notice is given by certified mail, the associate judge shall certify the date of mailing and the notice is considered to have been given on the third day after the date of mailing.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.012. NOTICE OF RIGHT TO APPEAL. An associate judge shall give all parties notice of the right of appeal to the judge of the referring court. The notice may be given:

- (1) at the hearing;
- (2) by posting the notice inside or outside the

courtroom of the referring court; or

(3) as otherwise directed by the referring court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.013. EFFECT OF ASSOCIATE JUDGE'S REPORT PENDING APPEAL. Pending appeal of the associate judge's report to the referring court, the associate judge's findings, conclusions, and recommendations are in full force and effect and are enforceable as an order of the referring court, except for the orders providing for incarceration or for the appointment of a receiver.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.014. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT. After the associate judge's report is filed, and unless the parties have filed a written notice of appeal to the referring court, the referring court may:

(1) adopt, approve, or reject the associate judge's report;

(2) hear further evidence; or

(3) recommit the matter for further proceedings as the referring court considers proper and necessary in the particular circumstances of the case.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.015. DECREE OR ORDER OF COURT. If an appeal to the referring court is not filed or the right to an appeal to the referring court is waived, the associate judge's findings, conclusions, and recommendations become the decree or order of the referring court only on the referring court's signing a decree or order conforming to the associate judge's report.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.016. APPEAL TO REFERRING COURT. (a) Any party is

entitled to a hearing by the judge of the referring court if, not later than three days, computed in the manner provided by Rule 4, Texas Rules of Civil Procedure, after the date the associate judge gives the notice required by Section 54B.011, an appeal of the associate judge's report is filed with the referring court.

(b) The first day of the appeal time to the referring courts begins on the day after the day on which the associate judge gives the notice required by Section 54B.011.

(c) An appeal to the referring court shall be in writing and must specify the associate judge's findings, conclusions, and recommendations to which the party objects. The appeal is limited to the findings, conclusions, and recommendations specified in the written appeal.

(d) On appeal to the referring court, the parties may present witnesses as in a hearing de novo on the issues raised in the appeal.

(e) Notice of any appeal to the referring court shall be given to opposing counsel in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(f) If an appeal to the referring court is filed by a party, any other party may file an appeal to the referring court not later than the seventh day after the date the initial appeal was filed.

(g) The referring court, after notice to the parties, shall hold a hearing on all appeals not later than the 30th day after the date on which the initial appeal was filed with the referring court.

(h) Before a hearing before an associate judge, the parties may waive the right of appeal to the referring court. The waiver may be in writing or on the record.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.017. APPELLATE REVIEW. (a) Failure to appeal to the referring court, by waiver or otherwise, on the approval by the referring court of an associate judge's report does not deprive any party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) The date of the signing of an order or judgment by the

referring court is the controlling date for the purposes of an appeal to or a request for other relief from a court of appeals or the supreme court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.018. JURY TRIAL DEMANDED. If a jury trial is demanded and a jury fee paid in a trial on the merits, the associate judge shall refer any matters requiring a jury back to the referring court for a full trial before the court and jury.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.019. INAPPLICABILITY OF SUBCHAPTER TO MASTERS APPOINTED UNDER RULE 171. Masters appointed by the referring court under Rule 171, Texas Rules of Civil Procedure, have all the duties and powers set forth in the order of appointment and are not governed by this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.020. IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a district judge.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 5.007, eff. September 1, 2023.

Sec. 54B.021. COURT REPORTER. (a) A court reporter is not required during a hearing held by an associate judge appointed under this subchapter.

(b) A party, the associate judge, or the referring court may provide for a court reporter during the hearing. The record may be preserved by any other means approved by the associate judge.

(c) The referring court or associate judge may impose on a party as costs the expense of preserving the record.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 5.007, eff. September 1, 2023.