

CHAPTER 1043

S.B. No. 64

AN ACT

relating to masters to serve the juvenile courts of Harris County.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. APPOINTMENT. (a) A majority of the judges of the courts that are designated as juvenile courts in Harris County may determine that one or more full-time or part-time masters are needed to serve those courts.

(b) The judges shall issue an order reflecting that determination and specifying the number of masters needed.

(c) Subject to the determination of need and the approval of the commissioners court of Harris County, each judge may appoint one or more masters to serve the judge's court.

(d) Judges may act together to appoint a master to serve their courts.

SECTION 2. QUALIFICATIONS. A master must:

- (1) be a citizen and resident of this state; and
- (2) have been licensed to practice law in this state for at least four years.

SECTION 3. ORDER OF APPOINTMENT. The order appointing a master must be entered in the minutes of each court making the order and state:

- (1) the master's name and state bar identification number;
- (2) the name of each court the master will serve; and
- (3) the date the master's service is to begin.

SECTION 4. COMPENSATION. The commissioners court shall set the compensation for masters and determine the total amount the county will pay as compensation for masters.

SECTION 5. JUDICIAL IMMUNITY. A master appointed under this Act has the same judicial immunity as a district judge.

SECTION 6. TERMINATION OF EMPLOYMENT. (a) A master who serves a single court serves at the will of the judge of that court.

(b) The employment of a master who serves two courts may be terminated by either of the judges of those courts.

(c) The employment of a master who serves more than two courts may be terminated by a majority of the judges of those courts.

(d) To terminate a master's employment, the appropriate judges must sign a written order of termination. The order must state:

- (1) the master's name and state bar identification number;
- (2) each court ordering termination; and
- (3) the date the master's employment ends.

SECTION 7. WITHDRAWAL OF APPOINTMENT FOR A PARTICULAR COURT. The judge of a court for which a master has been appointed may withdraw the master's appointment to that court by written order. The order must state:

- (1) the master's name and state bar identification number;
- (2) the name of the court ordering the withdrawal; and
- (3) the date the master's services end as to that court.

SECTION 8. CASES THAT MAY BE REFERRED. A judge may refer to a master any civil case or portion of a civil case brought:

- (1) under Title 1, 2, 3, or 4, Family Code;
- (2) in connection with Rule 308-A, Texas Rules of Civil Procedure; or
- (3) in connection with Chapter 46, Human Resources Code.

SECTION 9. METHOD OF REFERRAL. A case may be referred as prescribed by published local rules or by written orders.

SECTION 10. POWERS. (a) An order of referral may limit the use or power of a master.

(b) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(c) A master may administer oaths.

SECTION 11. EFFECT ON TEMPORARY RESTRAINING ORDER. (a) The referral of a case or a portion of a case to a master does not affect a party's right to have a court grant or extend a temporary restraining order and does not prevent the expiration of a temporary restraining order.

(b) Until a judge signs an order concerning the findings and recommendations of a master, the findings and recommendations do not affect an existing temporary restraining order or the expiration or extension of that order.

SECTION 12. JURY. (a) Except as provided by Subsection (b) of this section, if a jury trial is demanded in a case referred to a master, the master shall refer the case back to the referring court for a full hearing according to the usual rules applicable to the case.

(b) A jury demand does not affect the authority of a master to handle pretrial matters referred to the master.

SECTION 13. COURT REPORTER. (a) A court reporter must be provided upon request by any party during a hearing conducted by a master.

(b) Notwithstanding Subsection (a) of this section, a referring judge may require a reporter at any hearing.

SECTION 14. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an attorney, party, witness, or any other person fails to comply with a summons or order, the master may certify in writing that failure to the referring court for appropriate action.

SECTION 15. WITNESSES. (a) A witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37, Penal Code.

(b) A witness referred to the court under Section 14 of this Act is subject to the same penalties and orders that may be imposed on a witness appearing in a hearing before the court.

SECTION 16. RETURN TO REFERRING COURT; FINDINGS. After a hearing is concluded, the master shall send to the referring judge all papers relating to the case and the written findings of the master.

SECTION 17. COURT ACTION ON REPORT. (a) After the court receives the master's report, the court may adopt, modify, correct, reject, or reverse the master's report or may recommit it for further information, as the court determines to be proper and necessary in each case.

(b) If a judgment has been recommended, the court may approve the recommendation and hear more evidence before making its judgment.

SECTION 18. DECREE OR JUDGMENT. The finding and recommendations become the decree or judgment of the court when adopted and approved by an order of the judge.

SECTION 19. MASTERS IN CHANCERY. This subchapter does not prohibit a court from appointing a master in chancery as provided by Rule 171, Texas Rules of Civil Procedure.

SECTION 20. REFEREES. (a) A master appointed under this subchapter may serve as a referee as provided by Subsection (g) of Section 51.04 and Section 54.10, Family Code.

(b) A referee appointed under Subsection (g), Section 51.04, Family Code, may be appointed to serve as a master under this Act.

SECTION 21. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 24, 1987, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 20, 1987, by the following vote: Yeas 30, Nays 0. Passed the House, with amendment, on May 15, 1987, by the following vote: Yeas 143, Nays 1, one present not voting.

Approved June 20, 1987.

Effective June 20, 1987.