



## Travis County Commissioners Court Agenda Request

**Meeting Date:** June 4, 2013

**Prepared By/Phone Number:** Peg Liedtke, 854-96364

**Elected/Appointed Official/Dept. Head:**  
Travis County Local Administrative Judge Lora Livingston

**Commissioners Court Sponsor:**

### **AGENDA LANGUAGE:**

REQUEST APPROVAL FOR HIRING A FORMER CRIMINAL COURT MAGISTRATE AS A VISITING CIVIL ASSOCIATE JUDGE.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

As background information, under Chapter 201 of the Family Code, the Civil Courts may employ a Visiting Associate Judge if approved by Commissioners' Court. Specifically, Chapter 201, Subchapter A contains the general statutes for Visiting Associate Judges and provides for appointment of a Visiting Associate Judge who can hear any matter referred under Title 1, Title 4, or Title 5 of the Family Code. This includes Family Law Cases, Protective Orders and Family Violence cases, SAPCRs, Child Protective Services (CPS) cases, and Child Support cases. The current version of that statute is attached. Visiting Associate Judges for Juvenile cases are covered under Chapter 201, Subchapter D (See Sec. 201.320 of the Family Code also attached).

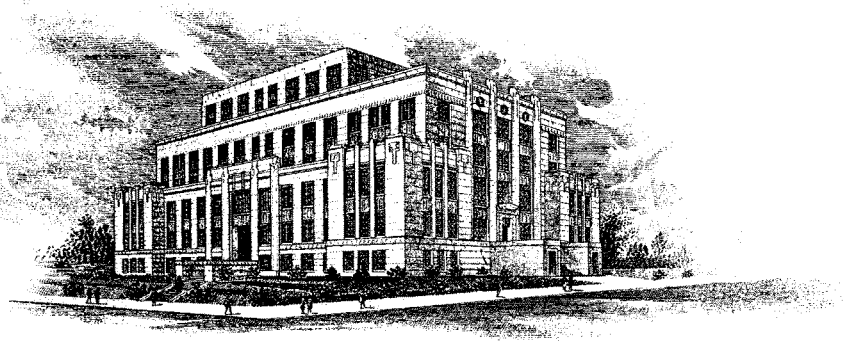
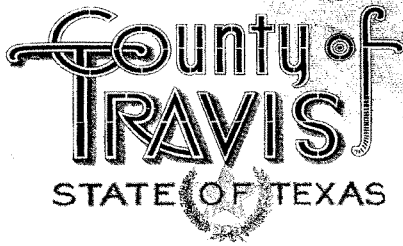
### **STAFF RECOMMENDATIONS:**

### **ISSUES AND OPPORTUNITIES:**

**FISCAL IMPACT AND SOURCE OF FUNDING:** Payment of employing any Visiting Associate Judge by the Civil Courts will be internally funded using Visiting Judge funds currently provided by the County specifically for this purpose.

### **REQUIRED AUTHORIZATIONS:**

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.



Office of the District Judges  
Heman Marion Sweatt Courthouse  
P.O. Box 1748  
Austin, Texas 78767  
512/854-9300

## MEMORANDUM

TO: County Judge Sam Biscoe  
Commissioner Ron Davis  
Commissioner Sarah Eckhardt  
Commissioner Gerald Daugherty  
Commissioner Margaret Gomez

FROM: Lora J. Livingston, Local Administrative Judge

DATE: May 23, 2013

RE: Request Approval for Hiring a Visiting Associate Judge

CC: Victoria Ramirez and Jessica Rio, Planning and Budget Office

Please consider as an agenda item during the voting session of Commissioner's Court on Tuesday, June 4, 2013, this request for approval to hire former Criminal Court Magistrate Joel Bennett as a Visiting Associate Judge for the Civil Courts.

As background information, under Chapter 201 of the Family Code, the Civil Courts may employ a Visiting Associate Judge if approved by Commissioners' Court. Specifically, Chapter 201, Subchapter A contains the general statutes for Visiting Associate Judges and provides for appointment of a Visiting Associate Judge who can hear any matter referred under Title 1, Title 4, or Title 5 of the Family Code. This includes Family Law Cases, Protective Orders and Family Violence cases, SAPCRs, Child Protective Services (CPS) cases, and Child Support cases. The current version of that statute is attached.

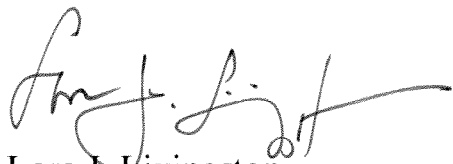
Memo, Commissioners' Court  
May 23, 2013  
Page Two

Visiting Associate Judges for Juvenile cases are covered under Chapter 201, Subchapter D (*See* Sec. 201.320 of the Family Code also attached).

Payment of employing any Visiting Associate Judge by the Civil Courts will be internally funded using Visiting Judge funds currently provided by the County specifically for this purpose.

Thank you for your consideration of this matter. Please do not hesitate to contact me should you require additional information.

Regards,

A handwritten signature in black ink, appearing to read "Lora J. Livingston", with a long horizontal flourish extending to the right.

Lora J. Livingston  
Local Administrative Judge  
Civil District Courts  
Travis County, Texas



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\*\*\* This document is current through the 2011 First Called Session \*\*\*  
\*\*\* Federal case annotations: February 25, 2013 postings on Lexis \*\*\*  
\*\*\* State case annotations: March 19, 2013 postings on Lexis \*\*\*

TEXAS FAMILY CODE  
TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-CHILD  
RELATIONSHIP  
SUBTITLE C. JUDICIAL RESOURCES AND SERVICES  
CHAPTER 201. ASSOCIATE JUDGE  
SUBCHAPTER A. ASSOCIATE JUDGE

**GO TO TEXAS CODE ARCHIVE DIRECTORY**

*Tex. Fam. Code § 201.018 (2012)*

§ 201.018. Visiting Associate Judge

(a) If an associate judge appointed under this subchapter is temporarily unable to perform the judge's official duties because of absence or illness, injury, or other disability, a judge of a court having jurisdiction of a suit under this title or Title 1 or 4 may appoint a visiting associate judge to perform the duties of the associate judge during the period of the associate judge's absence or disability if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge.

(b) To be eligible for appointment under this section, a person must have served as an associate judge for at least two years.

(c) Sections 201.001 through 201.017 apply to a visiting associate judge appointed under this section.

(d) This section does not apply to an associate judge appointed under Subchapter B.

**HISTORY:** Enacted by Acts 1999, 76th Leg., ch. 1355 (H.B. 869), § 1, effective August 30, 1999; am. Acts 2001, 77th Leg., ch. 308 (H.B. 1376), § 1, effective September 1, 2001; am. Acts 2003, 78th Leg., ch. 1258 (H.B. 823), § 5, effective September 1, 2003.

**NOTES:**

2001 Note:

Chapter 308 takes effect September 1, 2001, and applies only to the appointment of a visiting associate judge made on

or after that date. An appointment made before the effective date of this Act is governed by the law in effect on the date that the appointment was made, and the former law is continued in effect for that purpose. Acts 2001, 77th Leg., ch. 308, § 2.

LexisNexis (R) Notes:

#### TREATISES AND ANALYTICAL MATERIALS

1. *Texas Family Law: Practice and Procedure E5.09*, BRINGING CASE TO TRIAL, MAKING PRETRIAL MOTIONS AND OTHER PRELIMINARY MATTERS, Understanding Referral to Associate Judge, Texas Family Law: Practice and Procedure.

#### LAW REVIEWS

1. *53 SMU L. Rev. 995*. ANNUAL SURVEY OF TEXAS LAW ARTICLE: Family Law: Husband and Wife, Summer, 2000.



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TEXAS FAMILY CODE  
TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-CHILD  
RELATIONSHIP  
SUBTITLE C. JUDICIAL RESOURCES AND SERVICES  
CHAPTER 201. ASSOCIATE JUDGE  
SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

**GO TO TEXAS CODE ARCHIVE DIRECTORY**

*Tex. Fam. Code § 201.320 (2012)*

§ 201.320. Visiting Associate Judge

(a) If an associate judge appointed under this subchapter is temporarily unable to perform the judge's official duties because of absence or illness, injury, or other disability, a judge of a court having jurisdiction of a suit under this title or Title 1 or 4 may appoint a visiting associate judge to perform the duties of the associate judge during the period of the associate judge's absence or disability if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge.

(b) To be eligible for appointment under this section, a person must have served as an associate judge for at least two years.

(c) Sections 201.001 through 201.017 apply to a visiting associate judge appointed under this section.

**HISTORY:** Enacted by Acts 2011, 82nd Leg., 1st C.S., ch. 3 (H.B. 79), § 6.03, effective January 1, 2012.

**NOTES:**

Applicability. --

Acts 2011, 82nd Leg., 1st C.S., ch. 3 (H.B. 79), § 6.10 provides: "The changes in law made by this article apply to a matter referred to an associate judge on or after the effective date of this article [January 1, 2012]. A matter referred to an associate judge before the effective date of this article is governed by the law in effect on the date the matter was referred to the associate judge, and the former law is continued in effect for that purpose."