



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable A. T. Fribble
County Attorney
Wills County
Goldthwaite, Texas

Dear Sir:

Opinion No. O-6461
Re: Whether the county is
liable to officers of the
county court for costs in
proceedings under H.B. 630
and S.B. 44, 44th Legisla-
ture of Texas and related
matters.

Your request for an opinion has been received and
carefully considered by this department. We quote from your
request as follows:

"I am writing in regard to the does the
New Texas Juvenile Court Act, Senate Bill (44)
As Enacted by the Forty Eighth Legislature and
approved by the Governor May 3rd, 1943

Also

House bill 630 which provides for parental sup-
port of children who have been adjudged dependent
and neglected of which went into effect on July
1st, 1943 where there is no parents of the said
children are too poor to pay the regular costs of
court after they have been adjudged to be inmates
of the Training school at Gatesville Texas, and
under the above law how then can the County Attorney

Sheriff
County Clerk
County Judge

make a charge against the County for their regular
misdemeanor fees like cases and approved by the
Commissioners court under what law is chargeable
under and can legally collect the same that way
your legal opinion is wanted. . . "

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Mills County, Texas, has a population of less than twenty thousand (20,000) inhabitants according to the 1940 Federal Census, and its county officers are compensated on a fee basis.

Said Senate Bill 44, among other things, changes the classification of a juvenile proceeding from that of a criminal nature to that of a civil case.

We have carefully examined Senate Bill 44 and House Bill 630 of the 48th Legislature of Texas and find that neither of them authorize the county to pay any fees to any officers for their services in juvenile cases.

Article 5124, Vernon's Annotated Texas Civil Statutes, authorizes the county from which a male child is committed to any State training school to pay to the officer conveying such male child to any State training school the actual traveling expenses of such officer and child and five dollars (\$5.00) additional.

Article 5136, Vernon's Annotated Texas Civil Statutes, authorizes the county from which a girl juvenile is committed to the Girls' Training School to pay the actual and necessary expenses of the party conveying and the girl conveyed. This statute further provides the court shall designate some reputable woman to convey the girl to the institution.

Opinion No. 0-5602 of this department, a copy of which is enclosed herewith, specifically passes on a portion of your request for opinion and specifically holds that S. B. 44, supra, does not authorize the county to pay any fees to any officers of the county court for their services in juvenile cases. We confirm the holding.

Likewise, it is our further opinion that H. B. 630, supra, does not authorize the county to pay any fees to officers of the county court for their services in juvenile cases.

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We therefore hold:

- 1. Neither S. B. 44 nor H. B. 630, supra, authorizes the county to pay any fees to any officers of the county court for their services in juvenile cases.
- 2. There is no authority under which county judges, county attorneys and county clerks can collect fees from the county in juvenile cases. (Formerly and prior to the enactment of S. B. 44, supra, county judges were entitled to collect a three (3.00) dollar trial fee in juvenile cases under Article 1052, V. A. C. C. P., as a criminal case tried and finally disposed of by the court. See opinion No. O-917 of this department, dated June 14th, 1939, a copy of which is enclosed. However, this opinion is now no longer applicable as the legislature in S. B. 44, supra, in 1943, changed the classification of juvenile cases from criminal cases to civil cases.)
- 3. The sheriff or other officer conveying a male child to any State training school is entitled to collect from the committing county the actual traveling expenses of such officer and child and five dollars (\$5.00) additional.
- 4. Actual and necessary expenses of the party conveying a girl committed to the Girls' Training School and of the girl conveyed should be paid by the county from which the girl is committed to the person conveying the girl. Art. 5136, supra, further provides that the court shall designate some reputable woman to convey the girl to the institution.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*

Wm. J. Fanning
Assistant

RECEIVED MAR 20 1945
Wm. J. Fanning
ATTORNEY GENERAL OF TEXAS

WJF:zd
Encl.

APPROVED
OPINION
COMMITTEE
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