



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

May 29, 1959

Honorable Jules Damiani, Jr.
Criminal District Attorney
Galveston County
Galveston, Texas

Opinion No. WW-635

Re: Whether dependent and
neglected child cases
are to be filed in the
District Court or the
Juvenile Court of Gal-
veston County.

Dear Mr. Damiani:

We have your letter in which you request our opinion on whether dependent and neglected child cases are to be filed in the District Court or the Juvenile Court of Galveston County, Texas.

Section 4 of Article 2338-1, Vernon's Civil Statutes, provides for the designation of a District or County Court of each County as Juvenile Court of the County; provides how such designation shall be made; and provides a method of changing the designation. Galveston County has three District Courts, one of which has been designated as the Juvenile Court of Galveston County.

The jurisdiction and duties of Juvenile Courts are defined by various statutes, but since your inquiry relates only to dependent and neglected child cases under Article 2338-1, Vernon's Civil Statutes, we shall limit this opinion to such cases. That statute vests jurisdiction in the designated Juvenile Court over several matters relating to juveniles, one of which is a dependent and neglected child case. However, there is a limitation on the jurisdiction of dependent and neglected child cases set out in Section 24-a, Article 2338-1, Vernon's Civil Statutes, which is:

" . . . the District Court only shall have original jurisdiction in all proceedings wherein it is sought to have a child adjudged to be a dependent or neglected child, . . . "

Such cases may be brought only in a District Court, and may not be brought in a County Court even if it has been designated as the Juvenile Court of the County. See: Attorney General's Opinion V-1430 (1953). Article 2338-1, Vernon's Civil Statutes, does not create a new or additional Court, but the effect of the statute is that:

"The jurisdiction, powers and duties of existing courts are enlarged; but, no new or different court is created by the law, . . ."
Attorney General's Opinion No. V-546 (1948).

Furthermore, Section 4 of Article 2338-1, Vernon's Civil Statutes, does not restrict the status or jurisdiction of a Court which may be designated as the Juvenile Court, but adds to it.

". . . .

"The jurisdiction, powers, and duties thus conferred upon the established courts hereunder are superadded jurisdictions, powers, and duties; it being the intention of the Legislature not to create hereby any additional offices." Sec. 4, Art. 2338-1, V. C. S.

Since, in Galveston County, a District Court has been designated as the Juvenile Court, there is no need to discuss how dependent and neglected child cases would be handled where the County Court has been designated. It is sufficient to say that the designated District Court has jurisdiction to hear such cases as an added jurisdiction. See: Ex Parte Grimes, 216 S. W. 251 and 258 S. W. 152.

You are advised, that, in our opinion, dependent and neglected child cases are to be brought in the District Court of Galveston County which has been designated as the Juvenile Court of such county.

SUMMARY

Under Article 2338-1, Vernon's Civil Statutes, dependent and neglected child cases are to be brought in the District Court of Galveston County which

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has been designated as the Juvenile
Court of such County.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Tom I. McFarling
Assistant

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APPROVED:

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REVIEWED FOR THE ATTORNEY GENERAL
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