



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

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ATTORNEY GENERAL

October 6, 1971

Mr. Franklin L. Smith
County Attorney
Nueces County Courthouse
Corpus Christi, Texas 78401

Opinion No. M- 967

Re: Jurisdiction of Nueces
County Court of Domestic
Relations under Article
602, Penal Code

Dear Sir:

You have posed the following question to this office:

"Does Article 2338-10, Sec. 3, [Vernon's Civil Statutes] vest jurisdiction of wife and child desertion cases under Article 602, Penal Code, in the Domestic Relations Court of Nueces County either (1) exclusively, or (2) concurrently with the County Court of Nueces County?"

Article 2338-10, Section 3, Vernon's Civil Statutes, states in pertinent part:

"Sec. 3. The Court of Domestic Relations for Nueces County shall have the jurisdiction concurrent with the District Courts in Nueces County of all cases involving adoptions, removal of disability of minority and coverture, wife and child desertion, delinquent, neglected or dependent child proceedings, Reciprocal Support Act and all jurisdiction, powers and authority now or hereafter placed in the District or County Courts under the juvenile and child welfare laws of this State; . . ."

Article 199-117, Section 2, Vernon's Civil Statutes, reads as follows:

"Sec. 2. The District Court for the 117th Judicial District shall have and exercise the jurisdiction prescribed by the Constitution and the laws of this State of District Courts in general, and the Judge thereof shall have and exercise the powers conferred by the Constitution and Laws of this State on the Judges of District Courts. Its jurisdiction shall be concurrent with that of the District Court of Nueces County for the 28th Judicial District."

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The statutes establishing the 94th and 28th judicial district courts of Nueces County contain similar jurisdictional grants.

Our opinion is that the Domestic Relations Court for Nueces County has concurrent jurisdiction with the several District Courts of Nueces County over offenses arising under Article 602A, Vernon's Penal Code (felony wife and child desertion cases).

Article 1970-339, Section 4, Vernon's Civil Statutes (as well as Article 1970-339A) provides in pertinent part:

"The County Court of Nueces County . . . shall have no other jurisdiction, civil or criminal, original or appellate."

These same two articles give the two County Courts at Law of Nueces County

". . . jurisdiction in the matters and causes, civil and criminal, original and appellate, over which by the general laws of the state the County Court of said county would have jurisdiction . . ."

It is therefore the opinion of this office that the Domestic Relations Court of Nueces County has concurrent jurisdiction with the County Courts at Law of Nueces County of matters arising under Article 602, Vernon's Penal Code (misdemeanor wife and child desertion cases), but that the County Court of Nueces County has no jurisdiction over such matters.

S U M M A R Y

The Domestic Relations Court of Nueces County has criminal jurisdiction over offenses under Articles 602 and 602A, Vernon's Penal Code.

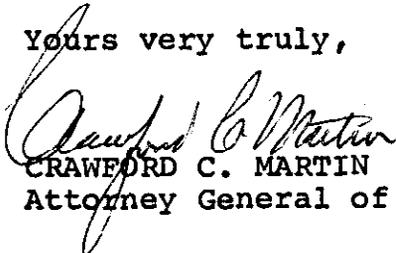
The District Courts of Nueces County have concurrent jurisdiction with the Domestic Relations Court of Nueces County of offenses under Article 602A, Vernon's Penal Code.

The County Courts at Law of Nueces County have concurrent jurisdiction with the Domestic Relations Court of Nueces County over offenses under Article 602, Vernon's Penal Code.

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The County Court of Nueces County has no jurisdiction over any criminal cases.

Yours very truly,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Howard M. Fender
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