



**Office of the Attorney General
State of Texas**

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ATTORNEY GENERAL

June 3, 1992

Honorable Robert Eckels
Chairman
Committee on County Affairs
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78768-2910

Letter Opinion No. 92-14

Re: Whether the County Court of Taylor
County has jurisdiction over juvenile
matters (RQ-339)

Dear Representative Eckels:

You have requested our opinion regarding whether the County Court of Taylor County has jurisdiction over juvenile matters, and if it does not, which court or courts has such jurisdiction.

Section 26.042(b) of the Government Code provides:

(b) A county court has juvenile jurisdiction as provided by Section 23.001.

Section 23.001, in turn, provides, in pertinent part:

(a) Each district court, county court, and statutory county court exercising any of the constitutional jurisdiction of either a county court or a district court has jurisdiction over juvenile matters and may be designated a juvenile court.

The process of designating one of the described courts a "juvenile court" is described in section 51.04 of the Family Code, which declares, in part:

(b) In each county, the county's juvenile board shall designate one or more district, criminal district, domestic

relations, juvenile, or county court or county courts at law as the juvenile court, subject to Subsections (c) and (d) of this section.

(c) If the county court is designated as a juvenile court, at least one other court shall be designated as the juvenile court. . . .

(d) If the judge of a court designated in Subsection (b) or (c) of this section is not an attorney licensed in this state, there shall also be designated an alternate court, the judge of which is an attorney licensed in this state. The alternate juvenile court shall rule on motions and hold hearings as provided in Section 51.18 of this chapter.

Thus, it would appear from a reading of section 51.04 of the Family Code, that the Juvenile Board of Taylor County is at liberty to designate the county court, *inter alia*, as the Juvenile Court of Taylor County, subject to the provisions of subsections (b) and (c).

This is not the case, however. Section 26.321 of the Government Code declares:

The County Court of Taylor County has the general jurisdiction of a probate court but has no other civil or criminal jurisdiction.

Section 26.321 is a more specific statute than section 51.04(b) of the Family Code, since its scope is limited to Taylor County. It is well established that a specific statute prevails over a more general one covering the same subject matter. *Forwood v. City of Taylor*, 214 S.W.2d 282 (Tex. 1948); *Road Dist. No. 1 v. Sellars*, 180 S.W.2d 138 (Tex. 1944). Thus, we conclude that the County Court of Taylor County has no jurisdiction over juvenile matters.

Although the juvenile board¹ may not designate the county court as a juvenile court, it may so denominate another of the courts listed in section 51.04(b), Family Code, *i.e.*, a district, criminal district, domestic relations, juvenile, or county court at

¹Section 152.2271 of the Human Resources Code, provides that "[t]he juvenile board of Taylor County is composed of the county judge, the district judges in Taylor County, and the judge of each statutory county court exercising juvenile jurisdiction."

law. Taylor County has both district courts and county courts at law. The latter are created by section 25.2231 of the Government Code:

Taylor County has the following statutory county courts:

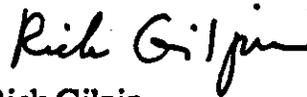
- (1) County Court at Law of Taylor County; and
- (2) County Court at Law No. 2 of Taylor County.

Thus, in response to your second question, we answer that any eligible court so designated by the Juvenile Board of Taylor County constitutes the Juvenile Court of Taylor County. The juvenile board may denominate one or more courts among the following as the Juvenile Court of Taylor County: the District Courts of Taylor County; and the Statutory County Courts of Taylor County.

S U M M A R Y

The County Court of Taylor County does not have jurisdiction over juvenile matters. The Juvenile Board of Taylor County may designate one or more of the following as the Juvenile Court(s) of Taylor County: the District Courts of Taylor County; and the Statutory County Courts of Taylor County.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee