

SUBJECT: Preference for juvenile and family law matters in certain district courts

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 8 ayes — Thompson, Hartnett, Clark, Garcia, Luna, Shields, Solis, Zbranek
0 nays
1 absent — Crabb

SENATE VOTE: On final passage, April 15 — 29-2 (Luna, Truan)

WITNESSES: No public hearing.

BACKGROUND : The district courts are the state's primary trial courts. They exercise original jurisdiction over felony criminal prosecutions, suits for divorce, suits over title to land, election contests, defamation suits, and civil suits with an amount in controversy of at least \$200. A single county may be served by one or more district courts; district courts may be required to give preference to certain types of cases, such as juvenile and family law matters.

In fiscal 1996, divorce actions represented the largest segment of civil cases in all district courts, constituting 32 percent of new civil filings. This represented a 6.7 percent increase over the previous year. Family law matters other than divorce actions comprised 24 percent, and juvenile cases accounted for five percent of the total cases filed in district courts.

Hidalgo County has seven district courts, including the 206th District Court. Cameron County has five district courts, all serving both Cameron and Willacy counties, including the 197th District Court, which gives preference to criminal cases.

DIGEST: SB 743 would require the 197th and 206th district courts to give preference to juvenile and family law matters.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

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SUPPORTERS SAY: SB 743 is necessary to help Hidalgo and Cameron counties deal with the large increase in juvenile and family law cases they are currently facing. For example, in Cameron County, 379 juvenile petitions were filed in 1995, and the number jumped to 644 in 1996 — a substantial increase. The number of petitions is projected to continue a similar growth in 1997. Requiring the 197th and 206th District Courts to give preference to juvenile and family law matters would promote efficiency in the handling of those cases and speed up their disposition. It would also provide expertise and consistency in the disposition of those cases by concentrating them in the same court.

A new Cameron County district court that would be created by SB 20, as amended by the House, would not be established until January 1, 1999. Cameron County needs a more immediate solution to its rapidly increasing juvenile docket. In addition, it would be premature to rely solely on a bill since it has not yet been enacted.

OPPONENTS SAY: Designating these district courts to handle juvenile and family law matters would merely shift the case load and would not provide a solution to the crowded juvenile and family law dockets. In addition, since there is a substantial juvenile docket, the bill could prevent even docketing of cases among the district courts.

It is not necessary to require the 197th District Court in Cameron County to give preference to juvenile cases because SB 20 by Ratliff, which is far along in the legislative process, would create a new district court in Cameron County that would be required to give preference to juvenile matters.

NOTES: SB 20 by Ratliff passed the House, as amended, on May 24.

