

# Constitutional County Courts

## Explanation of Case Categories

### CRIMINAL DOCKET

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A criminal case is counted as one defendant per information or complaint. For example, if an information names more than one defendant, there is more than one case; three defendants named in one information equals three cases. If the same defendant is charged in more than one information, even if for the same criminal episode, there is more than one case; the same person named in four informations equals four cases. Finally, if an information contains more than one count (Art. 21.24, Code of Criminal Procedure) only one case per person named in the information is reported. The case is reported under the classification for the most serious offense alleged.

The case type categories are:

**D.W.I.—FIRST OFFENSE:** An offense under Sec. 49.04, Penal Code (Driving While Intoxicated).

**D.W.I.—SECOND OFFENSE:** A second offense of driving while intoxicated (Sec. 49.04, Penal Code) under Sec. 49.09, Penal Code (Enhanced Offenses and Penalties).

**THEFT:** A misdemeanor offense under Ch. 31 (Theft) of the Penal Code, **except** Sec. 31.06, or an offense under Penal Code Sec. 33A.04 (Theft of Telecommunications Service).

**THEFT BY CHECK:** Any offense of theft or theft of service in which the defendant allegedly obtained property or secured performance of service by issuing or passing a check or similar sight order for the payment of money, when the issuer did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders then outstanding (Sec. 31.06, Penal Code). Also included are appeals of cases brought under Sec. 32.41, Penal Code (Issuance of Bad Checks).

**DRUG POSSESSION—MARIJUANA:** A misdemeanor offense under Sec. 481.120 (Delivery of Marihuana), Sec. 481.121 (Possession of Marihuana) or Sec. 481.134(f) (Drug Free Zones), Health and Safety Code.

**DRUG POSSESSION—OTHER:** Any other misdemeanor offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485 (Abusable Volatile Chemicals), Health and Safety Code.

**FAMILY VIOLENCE ASSAULT:** A misdemeanor offense under Penal Code Sec. 22.01(a)(1) against a person whose relationship to the defendant is described by Sec. 71.0021(b), 71.003, or 71.005 of the Family Code.

**ASSAULT—OTHER:** Any other **misdemeanor** offense under Ch. 22 of the Penal Code.

**TRAFFIC:** Violations of the provisions of Title 7, Transportation Code and related statutes, **except** D.W.I. Sec. 49.04 (or Sec. 49.09 for a subsequent offense), Penal Code, and Sec. 521.457, Transportation Code (Driving While License Invalid).

**D.W.L.S./D.W.L.I.:** An offense under Sec. 521.457, Transportation Code (Driving While License Invalid).

**OTHER MISDEMEANOR CASES:** A misdemeanor not clearly identifiable as belonging in one of the preceding categories.

### CIVIL DOCKET

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A civil case, unlike a criminal case, does not depend on the number of persons involved. Instead, each separate suit, normally commenced by the filing of the plaintiff's original petition, defines an individual civil case.

The case type categories are:

**INJURY OR DAMAGE—MOTOR VEHICLE:** All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases that involve motor vehicles.

**OTHER INJURY OR DAMAGE:** All other cases alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Examples include damages on premises, "slip-and-fall" cases, construction damages, assault, battery, animal attack, vandalism, slander/libel/defamation, malicious prosecution, and false imprisonment.

**REAL PROPERTY:** Cases involving disputes over the ownership, use, boundaries, or value of real property.

**CONTRACT—CONSUMER/COMMERCIAL/DEBT:** Cases involving a buyer of goods or services bringing a suit against the seller for failure either to deliver said goods or services or to honor a warranty as promised in an expressed or implied contract. Also, cases involving a seller of goods or services bringing a suit against a buyer for failure to pay for said goods or services as promised in an expressed or implied contract (debt collection). Examples include agreements, breach of contract, contracts, notes, sworn accounts, debts, and assignment of creditors.

**CONTRACT—LANDLORD/TENANT:** Cases alleging a breach of contract (lease) between a landlord and tenant, including unlawful detainer.

**OTHER CONTRACT:** All other cases involving a dispute over an agreement, express or implied, between two parties. Examples include employment cases (including discrimination, retaliation, termination, and other employment cases), fraud, mortgage foreclosures, home owners' association disputes, etc.

**CIVIL CASES RELATING TO CRIMINAL MATTERS:** All civil cases associated with criminal matters, including bond forfeiture, nondisclosure, occupational license, seizure and forfeiture, contempt (in criminal cases only), and writ of habeas corpus (in criminal cases only) cases. Include petitions for relief from a firearms disability related to a criminal case (Sec. 574.088, Health and Safety Code).

**ALL OTHER CIVIL CASES:** All other civil cases not clearly identifiable as belonging in one of the preceding categories. Include petitions for relief from a firearms disability related to an involuntary mental health commitment case (Sec. 574.088, Health and Safety Code).

- a. Changes of name;
- b. Termination of parental rights (child protective service cases);
- c. Dependent and neglected child cases;
- d. Removal of disability of minority;
- e. Removal of disability of minority for marriage;
- f. Voluntary legitimation (Section 160.201, Texas Family Code); and
- g. All other matters filed under the Family Code that are not reported elsewhere.

**OTHER CIVIL:** All civil cases not clearly identifiable as belonging in one of the preceding categories.

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### JUVENILE DOCKET

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Juvenile cases are based upon petitions for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.) as governed by Title 3 of the Texas Family Code.

Delinquent conduct cases are further broken down into case categories similar to the ones used in the Criminal section. See OCA's Required Reporting webpage (<http://www.courts.state.tx.us/oca/required.asp>) for full definitions.

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### PROBATE AND GUARDIANSHIP DOCKET

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These cases are governed by the Texas Probate Code, and include matters involving the probate of wills, the administration of estates, and guardianships. A single probate case may involve more than one person.

The case type categories are:

**INDEPENDENT ADMINISTRATION:** A proceeding to probate a will and for issuance of letters testamentary under Probate Code Sec.

145(b), or an estate opened under Probate Code Secs. 145(c), 145(d) or 145(e).

**DEPENDENT ADMINISTRATION:** An estate opened under Probate Code Sec. 178. These estate cases require court monitoring. Also include applications to appoint a temporary administrator under Ch. VI, Probate Code.

**ALL OTHER ESTATE PROCEEDINGS:** Other proceedings involving the handling or transfer of property by reason of the death of an individual.

**GUARDIANSHIP:** Cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of a minor or adult (ward) who is considered by the court as incapable of caring for himself/herself.

**ALL OTHER CASES:** All other cases not clearly identifiable as belonging in one of the preceding categories. Include petitions for relief from a firearms disability related to a guardianship case (Sec. 574.088, Health and Safety Code).

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### COURT-ORDERED MENTAL HEALTH CASES

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Sec. 574.014 of the Health and Safety Code requires a report to the Office of Court Administration on the number of applications for involuntary mental health commitment orders filed and the disposition of those cases. Information is also collected on applications seeking an order to authorize psychoactive medications.

The case type categories are:

**TEMPORARY MENTAL HEALTH SERVICES:** Applications for commitment under Sec. 574.034(a) or 574.034(b), Health and Safety Code for not longer than 90 days. Do not include requests for modification of existing commitment orders.

**EXTENDED MENTAL HEALTH SERVICES:** Applications for commitment under Sec. 574.035(a) or 574.035(b), Health and Safety Code for greater than 90 days, but not longer than 12 months. Do not include requests for modification of existing commitment orders.

**MODIFICATION—INPATIENT TO OUTPATIENT:** Applications for the modification of an existing order for commitment for inpatient services to provide for commitment for outpatient services (Sec. 574.061, Health and Safety Code).

**MODIFICATION—OUTPATIENT TO INPATIENT:** Applications for the modification of an existing order for commitment for outpatient services to provide for commitment for inpatient services (Sec. 574.065(d)(2), Health and Safety Code).

**ORDER TO AUTHORIZE PSYCHOACTIVE MEDICATIONS:** Applications seeking an order authorizing, reauthorizing or modifying the administration of psychoactive medication (Sec. 574.106, Health and Safety Code).