

# Statutory County Courts

## Explanation of Case Categories

### FELONY DOCKET

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

The case-type categories are:

**CAPITAL MURDER:** An offense under Penal Code Section 19.03 (Capital Murder).

**MURDER:** An offense under Penal Code Sections 19.02 (Murder).

**OTHER HOMICIDES:** An offense under Penal Code Section 19.04 (Manslaughter), 19.05 (Criminally Negligent Homicide), or 49.08 (Intoxication Manslaughter).

**AGGRAVATED ASSAULT OR ATTEMPTED MURDER:** A **felony** offense under Penal Code Section 22.01 (Assault), 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 22.08 (Aiding Suicide); an offense under Penal Code Section 22.015 (Coercing, Soliciting or Inducing Gang Membership), 22.02 (Aggravated Assault), 22.041 (Abandoning or Endangering Child), 22.09 (Tampering with Consumer Product), or 22.11 (Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant); or an offense of attempt (as defined in Section 15.01) to commit: Murder (19.02) or Capital Murder (19.03).

**SEXUAL ASSAULT OF AN ADULT:** An offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is an adult (17 years or older).

**INDECENCY WITH OR SEXUAL ASSAULT OF A CHILD:** An offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is a child (younger than 17 years); an offense under Section 21.02 (Continuous Sexual Abuse of Young Child or Children); an offense under Section 21.11 (Indecency with a Child); or an offense under Section 21.12 (Improper Relationship Between Educator and Student).

**FAMILY VIOLENCE ASSAULT:** A **felony** offense under Penal Code Section 22.01(b)(2) against a person whose relationship to the defendant is described by Section 71.0021(b), 71.003, or 71.005 of the Family Code.

**AGGRAVATED ROBBERY OR ROBBERY:** An offense under Penal Code Section 29.03 (Aggravated Robbery) or 29.02 (Robbery).

**BURGLARY:** A **felony** offense under Penal Code Section 30.02 (Burglary) or 30.04 (Burglary of Vehicles).

**THEFT:** A **felony** offense under Chapter 31 of the Penal Code, except when the property involved is a motor vehicle; or a felony offense under Section 32.31 (Credit Card Abuse or Debit Card Abuse) or 33A.04 (Theft of Telecommunications Service).

**AUTOMOBILE THEFT:** A **felony** offense under Penal Code Section 31.03 (Theft) if the property involved is a motor vehicle, or an offense under Section 31.07 (Unauthorized Use of a Vehicle).

**DRUG SALE OR MANUFACTURE:** A **felony** offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), Ch. 482, Health and Safety Code (Simulated Controlled Substances), the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), or Ch. 485, Health and Safety Code (Abusable Volatile Chemicals) for the manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance.

**DRUG POSSESSION:** A **felony** offense for possession under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), other than possession with intent to deliver or sell.

**FELONY D.W.I.:** A **felony** offense under Penal Code Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or 49.09 (Enhanced Offenses and Penalties). Also include an offense under Penal Code Section 49.07 (Intoxication Assault) when the case involves a motor vehicle.

**OTHER FELONIES:** A **felony** offense not clearly identifiable as belonging in one of the preceding categories, including cases previously categorized as forgery.

### MISDEMEANOR 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.

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## 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.

**INJURY OR DAMAGE—MEDICAL MALPRACTICE:** Cases that allege misconduct or negligence by a person or entity in the medical profession (doctors, nurses, physician assistants, dentists, etc. and their firms: hospitals, nursing homes, etc.) acting in a professional capacity, thereby causing physical or financial harm.

**INJURY OR DAMAGE—OTHER PROFESSIONAL MALPRACTICE:** Cases that allege misconduct or negligence by a person or entity not in the medical profession (lawyers, accountants, architects, etc. and their firms) acting in a professional capacity, thereby causing physical or financial harm.

**INJURY OR DAMAGE—PRODUCT LIABILITY—ASBESTOS/SILICA:** Cases involving the alleged responsibility of the manufacturer or seller for an injury caused to a person or

property by exposure to, or ingestion of, asbestos or silica or an alleged breach of duty to provide suitable instructions to prevent injury.

**INJURY OR DAMAGE—OTHER PRODUCT LIABILITY:** All other cases, not involving asbestos or silica, involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to a person or property by a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

**OTHER INJURY OR DAMAGE:** All other cases not falling into categories 1 through 5 above 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—EMINENT DOMAIN:** Suits by a unit of government or a corporation with the power of eminent domain for the taking of private land for public use; or cases in which a property owner challenges the amount of remuneration offered by the government for the taking of a parcel of land.

**OTHER REAL PROPERTY:** All other cases involving real property. Examples include disputes over the ownership, use, boundaries, or value of real property, including trespass to try title.

**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, fraud, notes, sworn accounts, debts, and assignment of creditors.

**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), landlord/tenant disputes, mortgage foreclosures, home owners' association disputes, etc.

**CIVIL CASES RELATING TO CRIMINAL MATTERS:** All civil cases associated with criminal matters, including bond forfeiture, expunction, nondisclosure, occupational license, seizure and forfeiture, extradition, 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 criminal cases (Section 574.088, Health and Safety Code).

**OTHER CIVIL CASES:** All non-tax civil cases not clearly identifiable as belonging in one of the preceding categories. Include occupational license cases in civil and family matters and cases appealing the finding of a lower court, department, or administrative agency (e.g., workers' compensation, business dissolution, liquor license appeal, etc.).

**TAX CASES:** Suits brought by governmental taxing entities against an individual or business for the collection of taxes.

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## FAMILY LAW DOCKET

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A family law case is counted and reported when: 1) an original petition is filed (no matter how many parties or children are involved); 2) a show cause motion, motion to modify, or similar

motion is filed following entry of original judgment; or 3) some other case is filed.

The case-type categories are:

**DIVORCE—CHILDREN:** Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code that also include a suit affecting the parent-child relationship due to the existence of children born or adopted of the marriage who are under 18 years of age or who are otherwise entitled to support as provided by Ch. 154, Family Code. Include petitions for annulment and petitions to declare a marriage void.

**DIVORCE—NO CHILDREN:** Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code. Include petitions for annulment and petitions to declare a marriage void.

**PARENT-CHILD—NO DIVORCE:** Cases involving issues of custody, support, paternity, visitation (by parents, grandparents or other family members) that do not involve a current or previously decided divorce/marriage dissolution case. Include voluntary legitimization of paternity (Section 160.201, Family Code).

**CHILD PROTECTIVE SERVICES:** Cases filed under Ch. 262 of the Family Code on behalf of the Department of Family and Protective Services; a motion in aid of investigation filed under Section 261.303 of the Family Code; a motion to participate filed under Section 264.203 of the Family Code; or a civil action filed by the Department requesting a determination of an at-risk child under Section 264.303 of the Family Code.

**TERMINATION OF PARENTAL RIGHTS:** Cases filed under Ch. 161 of the Family Code requesting that the court extinguish the legal relationship of parent and child.

**ADOPTION:** Cases filed under Ch. 162 of the Family Code requesting the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally. Include gestation agreements.

**PROTECTIVE ORDERS—NO DIVORCE:** Cases filed under Ch. 82, Family Code, requesting an order designed to limit or eliminate contact between two or more family/household members or individuals involved in a dating relationship.

**TITLE IV-D—PATERNITY:** Cases filed by the Title IV-D Agency (Office of Attorney General) requesting a determination of parentage under Ch. 160, Family Code and the setting of a child support obligation. These cases may also involve custody and visitation issues.

**TITLE IV-D—SUPPORT ORDER:** Cases filed by the Title IV-D Agency (Office of Attorney General) requesting the setting of a child support obligation where the parentage of the child has been established by an Acknowledgment of Paternity or the child was born during the marriage. These cases may also involve custody and visitation issues.

**TITLE IV-D—UIFSA:** Cases filed by the Title IV-D Agency (Office of the Attorney General) seeking to establish a Texas child support order. The issue of paternity may be addressed. UIFSA cases are distinguished by the fact that not all parties reside in Texas. Issues of custody and visitation are not generally involved.

**ALL OTHER FAMILY CASES:** Includes all cases filed under the Family Code that are not reported elsewhere, including, but not limited to:

- a. Judicial bypass of parental notification of abortion (Section

33.003);

- b. Changes of name (Ch. 45);
- c. Adult adoptions (Section 152.502);
- d. Removal of disability of minority (Ch. 31);
- e. Removal of disability of minority for marriage (Section 2.103);
- f. Suits for parental liability for damages caused by conduct of child (Ch. 41); and
- g. Suits for liability for interference with possession of a child (Ch. 42).

**POST-JUDGMENT MODIFICATION—CUSTODY:** Post-judgment suits or motions filed pursuant to Subchapter B, Ch. 156, Family Code, for modification of an order that provides for the conservatorship of, possession of, or determination of residence of a child (e.g., motions to modify conservatorship (custody), motions to modify right to determine primary residence of child, motions for further orders of the court).

**POST-JUDGMENT MODIFICATION—OTHER:** Post-judgment suits or motions requesting modification of orders not involving custody of a child, including, but not limited to:

- a. Suits filed pursuant to Subchapter B, Ch. 156, Family Code for modification of an order that provides for the access to a child (motions to modify visitation privileges; motions to modify rights, privileges and duties of conservator);
- b. Suits filed pursuant to Subchapter C, Ch. 156, Family Code for modification of an order that provides for the support of a child (motions to modify or set child support; motions to terminate wage withholding; motions for further orders of the court); and
- c. Suits filed pursuant to Section 8.057, Family Code for modification of an order that provides for spousal maintenance (petition to terminate/modify order/writ of income withholding).

**POST-JUDGMENT ENFORCEMENT:** Post-judgment suits or motions requesting the enforcement of a final order, including, but not limited to:

- a. Motions filed pursuant to Ch. 157, Family Code to enforce a final order for conservatorship, child support, possession of or access to a child, property provisions, injunctions, or other provisions of a final order (e.g., motions for contempt; motions for enforcement of judgments or prior orders; motions to revoke community supervision/probation for failure to pay child support);
- b. Suits to enforce a divorce or annulment decree filed pursuant to Ch. 9, Family Code (petition for enforcement of property division; petitions to divide assets not divided on divorce or annulment; post-decree qualified domestic relations orders); and
- c. Suits to enforce spousal maintenance filed pursuant to Ch. 8, Family Code.

**POST-JUDGMENT TITLE IV-D:** Suits or motions filed by the Title IV-D agency (Office of the Attorney General) pursuant to Chs. 156, 157 or 159, Family Code, to enforce and/or modify a child support obligation.

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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.

modifying the administration of psychoactive medication (Sec. 574.106, Health and Safety Code).

## **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).

## **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