

Texas Judicial Needs Assessment Glossary

Case Types

1. **Felony Group A**: Includes capital murder, murder, other homicides, assault, attempted murder, sexual assault of an adult, indecency with or sexual assault of a child, robbery/aggravated robbery, and arson.
 - Capital Murder: An offense under Penal Code Section 19.03 (Capital Murder).
 - Murder: An offense under Penal Code Section 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) or 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual); an offense under Penal Code Section 22.02 (Aggravated Assault); 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 21.11 (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).
 - Arson: An offense under Penal Code Section 28.02 (Arson).

2. **Felony Group B**: Includes burglary (all felony levels), theft, auto theft, drug sale/manufacture, drug possession, felony DWI, and other felony.
 - Burglary: A felony offense under Penal Code Section 30.02 (Burglary) or 30.04 (Burglary of Vehicles).
 - Theft: A felony offense under Penal Code Section 31.03 (Theft) or 31.04 (Theft of Service), except when the property involved is a motor vehicle; an offense under Section 31.05 (Theft of Trade Secrets); or an offense under Section 32.31 (Credit Card Abuse or Debit Card Abuse).

- 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) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code) 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.
3. **Misdemeanor**: Includes any offense classified as a misdemeanor.
4. **Injury or Damage Involving 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.
5. **Injury or Damage Other than Vehicle**: All other cases not falling into category 4 above or categories 6 or 7 below 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.
6. **Malpractice**: Includes both medical and other professional malpractice.
- 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.
 - 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.

7. **Product Liability**: Includes both asbestos/silica and other product liability cases.
 - 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.
 - 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.

8. **Contract**: Includes both consumer/commercial/debt and other contract cases.
 - 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.
 - 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, landlord/tenant disputes, mortgage foreclosures, home owners' association disputes, etc.

9. **Other Civil**: Suits brought by governmental taxing entities against an individual or business for the collection of taxes as well as all non-tax civil cases not clearly identifiable as belonging in categories 4, 5, 6, 7, and 8 above and categories 10, 11 and 12 below. Include cases appealing the finding of a lower court.

10. **Real Property**: Includes both eminent domain and other real property cases.
 - 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.

11. **Administrative Law**: Judicial review of contested cases and all suits for declaratory, injunctive and mandamus relief brought pursuant to the Administrative Procedures Act.
12. **Government**: Suits by and against the State or other governmental entity, excluding Administrative Law and tax cases.
13. **Divorce with 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.
14. **Divorce without 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.
15. **Protective Orders: Non-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.
 - ***NOTE: Report cases involving protective orders for victims of sexual assault (Art. 7A.01, Code of Criminal Procedure) under the Other Civil category.***
16. **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. The pleading is most often styled *Petition to Establish the Parent-Child Relationship*.
17. **IV-D Support Order Established**: 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. The pleading is most often styled *Suit Affecting the Parent-Child Relationship*.
18. **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 legitimation of paternity (Section 160.201, Family Code). ***Do not include cases filed by the Title IV-D Agency (Office of Attorney General).***

19. **Other Family Law Matters:** Includes both Title IV-D – UIFSA cases and all other family law matters.

- 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; or to enforce or modify a Texas or non-Texas order under Ch. 159, Family Code. 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 Law Matters: Cases filed under the Family Code that are not reported elsewhere, including, but not limited to:
 - a. Voluntary legitimation, custody, visitation, and other matters filed by the Title IV-D Agency (Office of Attorney General);
 - b. Judicial bypass of parental notification of abortion (Sec. 33.003, Family Code);
 - c. Changes of name;
 - d. Adult adoptions;
 - e. Adoptions and/or terminations of parental rights **not** involving Child Protective Services;
 - f. Removal of disability of minority (Ch. 31, Family Code);
 - g. Removal of disability of minority for marriage (Section 2.103, Family Code);
 - h. Suits for parental liability for damages caused by conduct of child (Ch. 41, Family Code); and
 - i. Suits for liability for interference with possession of a child (Ch. 42, Family Code).

20. **Child Protection Cases:** 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; or a motion to participate filed under Section 264.203 of the Family Code.

- **NOTE:** Report adoption and termination of parental rights cases NOT involving Child Protective Services under Other Family Law Matters.

21. **Modifications:** Includes both custody and other modifications.

- Custody: 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)
- Other: 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)
- **NOTE:** *If a suit contains both a motion for modification and a motion for enforcement, count the case as a Modification.*

22. **Enforcements:** 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). NOTE: Do not include writs of habeas corpus; these should be reported in the Other Civil case type category;
- 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.
- **NOTE:** *If a suit contains both a motion for modification and a motion for enforcement, count the case as a Modification.*

23. **Delinquency:** (Texas Family Code, Sec. 51.03(a)) is conduct that violates:

- a. a state or federal penal law (other than a traffic offense) punishable by imprisonment or confinement in jail;
- b. a lawful order of a court under circumstances that would constitute contempt of that court in 1) a justice or municipal court; or 2) a county court for conduct punishable only by a fine;
- c. Section 49.04, 49.05, 49.06, 49.07, or 49.08 of the Penal Code; or
- d. Section 106.041 of the Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).
- Examples of delinquent conduct cases include: capital murder, murder, aggravated assault or attempted murder, assault, indecency with a child or sexual assault, aggravated robbery or robbery, burglary, theft, automobile theft, felony drug offenses, misdemeanor drug offenses, D.W.I., and contempt of court.

24. **CINS**: (Texas Family Code, Sec. 51.03(b)) is conduct, other than a traffic offense, that constitutes:
- a. the violation of a state penal law of the grade of misdemeanor punishable by fine only;
 - b. the violation of a penal ordinance of any political subdivision of the state;
 - c. truancy;
 - d. running away from home;
 - e. inhaling paint, glue, or certain other chemicals;
 - f. single instance of public intoxication;
 - g. the violation of a school district's previously communicated written standards of student conduct for which the child has been expelled;
 - h. the violation of a child at-risk court order issued under Section 264.305 of the Family Code; or
 - i. failure to attend school under Section 25.094 of the Education Code (only applies to counties with a population of less than 100,000).
25. **Probate/Guardianship**: Includes contested probate and guardianship matters.