



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN**

**GERALD C. MANN
ATTORNEY GENERAL**

**Honorable E.L. Shelton
County Auditor
Johnson County
Cleburne, Texas**

Dear Sir:

**Opinion No. 0-2997
Re: Authority of commissioners' court
of Johnson County, Texas, to appoint
juvenile officer or probation offi-
cer.**

We have received your letter of recent date request-
ing our opinion upon the authority, if any, of the commis-
sioners' court of Johnson County, Texas, to appoint a juvenile
officer or a probation officer for said county.

Johnson County, having a population of Thirty Thousand,
Three Hundred and sixty-one (30,361), according to the 1940
Federal Census, does not come under the provisions of Article
5139, Vernon's Civil Statutes, 1925, which provides for the
creation of a County Juvenile Board in counties having a popula-
tion of One Hundred Thousand (100,000) or over.

Probation officers are not appointed by the county
commissioners' court, but are appointed by the county judge
and confirmed by the Juvenile Board of the county; therefore,
as Johnson County has no Juvenile Board, said county is not
eligible for a probation officer. (Art. 5142b, Sec. 3, Vernon's
Civil Statutes).

Article 5142, Revised Civil Statutes, as amended by
Chapter 269, 45th Legislature, provides in part:

"There may be appointed, in the manner herein-
after provided, discreet persons of good moral char-
acter to serve as juvenile officers for periods not
to exceed two (2) years from date of appointment.

"....

"....In counties having a population of less
than seventy-five thousand (75,000), one juvenile

Honorable E.L. Shelton, Page 2

officer may be appointed by the Commissioners' Court, when in their opinion such officer is needed, who shall receive a compensation not to exceed One Hundred and Twenty-five Dollars (\$125) per month....

"....

"Salaries of paid juvenile officers and their assistants shall be fixed by the Commissioners Court, not to exceed the sums herein mentioned, and any bill for the expenses not exceeding the sums herein provided for, shall be certified by the County Judge as being necessary in the performance of the duties of a juvenile officer. The Commissioners Court of the county shall provide the necessary funds for the payment of salaries and expenses of the juvenile officers provided for in this Act. The appointment of said juvenile officers shall be filed in the office of the Clerk of the County Court. Juvenile officers shall take oath to perform their duties and file such oath in the office of the County Clerk. As a basis for reckoning the population of any county the preceding Federal Census shall be used...."

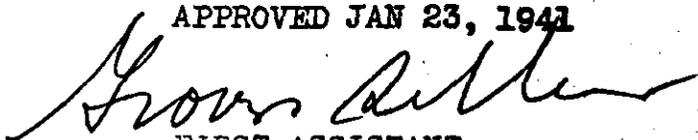
Under the above quoted portions of Article 5142, the commissioners' court of Johnson County, Texas, may appoint one juvenile officer for said county, if, in the opinion of said County, such officer is needed.

Trusting that the above answers your question, we remain

Very truly yours

APPROVED JAN 23, 1941

ATTORNEY GENERAL OF TEXAS



By *D. Burle Daviss*

FIRST ASSISTANT
ATTORNEY GENERAL

D. Burle Daviss
Assistant

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