

COUNTY BUDGET LAW AS IT
AFFECTS JUVENILE COURT
IN COUNTY OF THE FIRST
CLASS:

County budget officer in county of the first class may not change original estimate of the circuit court, and county court's appropriation order must make appropriation in accordance therewith unless changed by consent of the circuit court.

January 12, 1951

Honorable Ray G. Cowan
Judge of the Juvenile Court
Jackson County
1305 Locust Street
Kansas City, Missouri



Dear Judge Cowan:

We have your recent letter in which you request an opinion of this department. Your letter is as follows:

"Will you kindly give me an opinion as to the law pertaining to the Circuit Court budget in counties of the population of Jackson County?"

"I am having some disagreement with the county budget officer as to the budget for the operation of the Juvenile Court, which is a direct function of the Circuit Court. It is my understanding that the budget officer cannot interfere with the function of the Circuit Court."

Jackson County is a county of the first class.

Section 10919a, R.S.A. Mo. 1939, provides, in part, as follows:

"All counties that are now or may hereafter become counties of the first class shall be governed by the provisions of this act, and Sections 10925 to 10933, both inclusive, of Article 2, Chapter 73, of the Revised Statutes of Missouri, 1939.
* * * *"

Accordingly, said sections 10925 to 10933, inclusive, apply to Jackson County.

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Section 10931, Laws Mo. 1945, p. 603, one of the said applicable sections, is as follows:

"Except as in this section otherwise specified, all offices, departments, courts, institutions, commissions, or other agency spending moneys of the county, shall perform the duties and observe the restrictions set forth in the preceding sections relating to budget procedure and appropriations. The estimates of the circuit court, including all activities thereof and of the circuit clerk, shall be transmitted to the budget officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of the circuit court. The budget officer of the county court shall not change the estimates of the circuit court or of the circuit clerk without the consent of the circuit court or of the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with such consent."
(Underscoring ours.)

We are of the opinion that if the operation of the Juvenile Court of Jackson County is an activity of the Circuit Court the Juvenile Court of Jackson County comes within the meaning of that portion of the above-quoted statute which provides as follows:

"The budget officer of the county court shall not change the estimates of the circuit court or of the circuit clerk without the consent of the circuit court or of the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with such consent."

and that the budget officer of the county therefore cannot change the estimates made by your court without the consent of your court and that the appropriation order of the county court of Jackson County must appropriate the amounts estimated as originally submitted or as changed, with the consent of the court.

In view of the fact that the opinion last above expressed is contingent upon the proposition that the Juvenile Court of Jackson County is an arm of the Circuit Court, we must now determine whether that proposition is correct.

Article V, Sec. 1 of the Constitution of Missouri provides as follows:

"Sec. 1. Judicial Power--Constitutional Courts.-- The judicial power of the state shall be vested in a supreme court, courts of appeals, circuit courts, probate courts, the St. Louis courts of criminal correction, the existing courts of common pleas, magistrate courts, and municipal corporation courts."

Section 9674, Laws Mo. 1945, p. 626, is as follows:

"The circuit courts exercising jurisdiction in counties of the first and second classes shall have original jurisdiction of all cases coming within the terms of this article: provided, that in counties containing a city of the first class the criminal court shall have such original jurisdiction. For the purpose of this article, the city of St. Louis shall be considered a county within the meaning of this article. In counties where there are or may be more than one circuit judge, the judges of the circuit court in such counties shall designate one of their number, whose duty it shall be to hear and determine all cases coming under this article until there be another judge so designated: provided, that in case of the absence or inability of the judge designated to hold said court, any one of said judges may perform that duty; and provided, that in counties in which the criminal court has jurisdiction, the judge of the criminal court may, in case of his absence from the county or of sickness, call in any circuit judge of the judicial circuit in which such county is located and if the judge so called in, consent to act, said circuit judge shall during such absence or sickness have the same powers and perform the same duties as are imposed upon the judge of the criminal court under this article. A court room, to be designated the juvenile court room, shall be provided or assigned by the county or circuit court of such counties, as the case may be, for the hearing of such cases; and the proceedings of the court in such cases shall be entered in a book or books to be kept for that purpose, and known as the juvenile records, and the court may for convenience be called the juvenile court. The clerk of the circuit court in such county shall act as the clerk of the juvenile court. The practice and procedure prescribed by law for the conduct of criminal cases shall govern in all proceedings under this article in which the child stands charged with the violation of the

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criminal statutes of the state and in such proceedings the child, his parent, or any person standing in loco parentis to him may on his behalf demand a trial by jury. In all other cases the trial shall be before the court without a jury, and the practice and procedure customary in proceedings in equity shall govern except where otherwise provided by this article."

Since Jackson County is a county of the first class, we are of the opinion that the work of the juvenile court of Jackson County constitutes an activity of the circuit court of Jackson County within the meaning of Section 10931, supra.

CONCLUSION

We are, accordingly, of the opinion that since the functioning of the juvenile court of Jackson County constitutes an activity of the circuit court the budget officer of that county cannot change the estimates made by the court without the court's consent and that the appropriation order of the county court must appropriate "the amounts estimated as originally submitted" or as changed with the consent of the court.

Respectfully submitted,

SAMUEL M. WATSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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