



JUVENILES

JUVENILES

Table of Contents

Expunction


Alcoholic Beverage Code Offenses


Application for Expunction: Alcoholic Beverage Code Offenses 187

Order for Expunction of Records: Alcoholic Beverage Code Offenses..... 188

Failure to Attend School

 Failure to Attend School: Notice of Expunction Rights 190

 Application for Expunction: Failure to Attend School 191

 Order for Expunction of Records: Failure to Attend School..... 192


Tobacco Offenses


Application for Expunction: Tobacco Offenses 194

Order for Expunction of Records: Tobacco Offenses 195


Penal Offenses

 Notice of Expunction Rights: Penal Offenses/Deferred Disposition/Teen Court 197

 Application for Expunction: Penal Offenses..... 198

 Order for Expunction of Records: Penal Offenses 199

Failure to Attend School Cases

 Affidavit for Complaint: Failure to Attend School - School Attendance Officer 201

 Complaint: Failure to Attend School..... 202

Affidavit for Complaint: Parent Contributing to Non-Attendance..... 203

 Failure to Attend School Dispositional Order 204

Dismissal of Untimely Failure to Attend School Complaint 205

General Forms

Order to Take into Nonsecure Custody – Offender under Age 17..... 206

Report to Juvenile Court of Complaint Filed 207

Waiver of Jurisdiction and Transfer to Juvenile Court 208

 Optional Orders Applicable to Juveniles..... 209

Youth Accountability & Enforcement

Notice of Continuing Obligation to Inform Court of Child’s Residence 210

Statement/Change of Residential Address 211

Complaint: Violation of Continuing Obligation to Inform Court of Child’s Address 212

Judgment Addendum: Child Contempt Warning 213

Contempt Show Cause Notice: Child..... 214

Judgment of Contempt by a Child..... 215

Order Referring Child to Juvenile Court for Delinquent Conduct 216

Notice of Continuing Obligation to Appear: JNA..... 217

Complaint: Violation of Continuing Obligation to Appear..... 218

Clerk’s Affidavit for Capias Pro Fine: JNA 219

Capias Pro Fine: JNA 220

Order of Commitment (Capias Pro Fine): JNA..... 221

For judgments against juveniles and for status offenses,
see the Judgments & Orders chapter.

APPLICATION FOR EXPUNCTION: ALCOHOLIC BEVERAGE CODE OFFENSES (Sec. 106.12, A.B.C.)

IN THE MATTER OF

§

IN THE MUNICIPAL COURT

§

CITY OF _____

§

_____ COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ on the _____ day of _____, 20__ in the _____ Municipal Court in Cause Number _____.

Petitioner is now at least 21 years of age. Petitioner, being duly sworn, states under oath that he/she has not been convicted of any other violation of the Alcoholic Beverage Code while under the age of 21.

Petitioner requests that all records of said conviction be expunged pursuant to Section 106.12, Alcoholic Beverage Code, and the Court order expungement of all documents, records, and references thereof and release _____ from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20__.

(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

*(municipal court seal or
notary public seal if sworn
before a notary public)*

Editor's Note: The Court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies.

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS
(Petitioner)		

ORDER OF EXPUNGEMENT

On this date came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Section 106.12, Alcoholic Beverage Code.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the application and motion for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:

- Name:
- Sex:
- Race:
- Date of Birth:
- Driver's License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:

- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Section 106.12, Alcoholic Beverage Code, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the Department of Public Safety shall send a copy of this Order by certified mail, return receipt requested, to any central federal depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

ORDER FOR EXPUNCTION OF RECORDS: ALCOHOLIC BEVERAGE CODE OFFENSES (Sec. 106.12, A.B.C.) (Page 2 of 2)

(7) the Texas Alcoholic Beverage Commission shall send a copy of this Order by certified mail, return receipt requested, to each central and regional depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation of the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

(8) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable*):

(a) Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, TX 78731

(b) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(c) _____ County Juvenile Court

Address: _____

(d) Sheriff's Department

Address: _____

(e) _____ Police Department

Address: _____

(f) _____ City Attorney's Office

Address: _____

(g) _____ Alcohol Awareness Course Provider

Address: _____

(h) _____ Community Service Provider

Address: _____

(i) Pretrial Services and/or Juvenile Case Manager

Address: _____

(j) Other: _____

Signed this ____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____

_____ County, Texas

FAILURE TO ATTEND SCHOOL: NOTICE OF EXPUNCTION RIGHTS (Arts. 45.054(e) and 45.055, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

**NOTICE OF EXPUNCTION RIGHTS
FAILURE TO ATTEND SCHOOL PROCEEDINGS**

ATTN: DEFENDANT AND PARENT:

Pursuant to Article 45.054(e), Code of Criminal Procedure, upon the commencement of Failure to Attend School proceedings, the Court must inform the individual who is the subject of the hearing and the individual's parent in open Court of the individual's expunction rights and provide the individual and the individual's parent with a written copy of Article 45.055, Code of Criminal Procedure, which reads as follows:

Art. 45.055. EXPUNCTION OF CONVICTION AND RECORDS IN FAILURE TO ATTEND SCHOOL CASES

- (a) Except as provided by Subsection (e), an individual convicted of not more than one violation of Section 25.094, Education Code, may, on or after the individual's 18th birthday, apply to the court in which the individual was convicted to have the conviction and records relating to the conviction expunged.
- (b) To apply for an expunction, the applicant must submit a written request that:
 - (1) is made under oath;
 - (2) states that the applicant has not been convicted of more than one violation of Section 25.094, Education Code; and
 - (3) is in the form determined by the applicant.
- (c) The court may expunge the conviction and records relating to the conviction without a hearing or, if facts are in doubt, may order a hearing on the application. If the court finds that the applicant has not been convicted of more than one violation of Section 25.094, Education Code, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the applicant's record. After entry of the order, the applicant is released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose. The court shall inform the applicant of the court's decision on the application.
- (d) The court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expunction under this article.
- (e) A court shall expunge an individual's conviction under Section 25.094, Education Code, and records relating to a conviction, regardless of whether the individual has previously been convicted of an offense under that section, if:
 - (1) the court finds that the individual has successfully complied with the conditions imposed on the individual by the court under Article 45.054; or
 - (2) before the individual's 21st birthday, the individual presents to the court proof that the individual has obtained a high school diploma or a high school equivalency certificate.

ISSUED AND RECEIVED BY THE UNDERSIGNED:

_____	_____
Signature of Municipal Judge	Date
_____	_____
Signature of Defendant	Date
_____	_____
Signature of Parent	Date

(municipal court seal)

APPLICATION FOR EXPUNCTION: FAILURE TO ATTEND SCHOOL (Art. 45.055, C.C.P.)

IN THE MATTER OF

§
§
§

IN THE MUNICIPAL COURT
CITY OF _____
_____ COUNTY, TEXAS

DEFENDANT’S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____
_____ on the _____ day of _____, 20__ in the
_____ Municipal Court in Cause Number _____.

Petitioner is now at least 18 years of age. Petitioner, being duly sworn, states under oath that he/she has not been convicted of any other violation of Section 25.094, Education Code.

Petitioner requests that all records of said conviction be expunged pursuant to **Article 45.055, Code of Criminal Procedure**, and the Court order expungement of all documents, records, and references thereof and release _____ from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20__.

(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

*(municipal court seal or
notary public seal if sworn
before a notary public)*

Editor’s Note: The Court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies.

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

(Petitioner)

ORDER OF EXPUNGEMENT

On this date, came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Article 45.055(c), Code of Criminal Procedure.

On this date, **this Court finds** that the individual named above has successfully complied with the conditions imposed on the individual by the Court under Article 45.054, Code of Criminal Procedure, and all procedural and substantive requirements for expunction of all criminal records relating to the individual’s conviction in the above referenced cause have been met pursuant to Article 45.055(e)(1), Code of Criminal Procedure.

On this date, the individual named above presented to the Court proof that the individual has obtained a high school diploma or a high school equivalency certificate before the individual’s 21st birthday, and this Court finds that all procedural and substantive requirements for expunction of all criminal records relating to the individual’s conviction in the above referenced cause have been met pursuant to Article 45.055(e)(2), Code of Criminal Procedure.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) expunction in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:

- Name:
- Sex:
- Race:
- Date of Birth:
- Driver’s License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:

- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

ORDER FOR EXPUNCTION OF RECORDS: FAILURE TO ATTEND SCHOOL (Art. 45.055, C.C.P.) (Page 2 of 2)

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Article 45.055, Code of Criminal Procedure, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the _____ School District shall destroy or remove any record or entry concerning this violation or conviction;

(7) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable*):

- (a) _____ School District
Address: _____
- (b) Juvenile Court of _____ County, Texas
Address: _____
- (c) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143
- (d) Sheriff's Department
Address: _____
- (e) _____ Police Department
Address: _____
- (f) _____ City Attorney's Office
Address: _____
- (g) _____ Community Service Provider
Address: _____
- (h) Other: _____

Signed this ____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

APPLICATION FOR EXPUNCTION: TOBACCO OFFENSES (Sec. 161.255, H.S.C.)

IN THE MATTER OF

§

IN THE MUNICIPAL COURT

§

CITY OF _____

§

_____ COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ on the _____ day of _____, 20__ in the _____ Municipal Court in Cause Number _____.

Petitioner, being duly sworn, states under oath that he/she has completed the tobacco awareness course and/or tobacco-related community service for the above violation.

Petitioner requests that all records of said conviction be expunged pursuant to Section 161.255, Health and Safety Code, and the Court order expungement of all documents, records, and references thereof and release _____ from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20__.

(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

*(municipal court seal or
notary public seal if sworn
before a notary public)*

Editor's Note: The Court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies.

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS
(Petitioner)		

ORDER OF EXPUNGEMENT

On this date came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Section 161.255, Health and Safety Code.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the application and motion for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:

- Name:
- Sex:
- Race:
- Date of Birth:
- Driver's License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:

- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Section 161.255, Health and Safety Code, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the Department of Public Safety shall send a copy of this Order by certified mail, return receipt requested, to any central federal depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

ORDER FOR EXPUNCTION OF RECORDS: TOBACCO OFFENSES (Sec. 161.255, H.S.C.) (Page 2 of 2)

(7) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable*):

(a) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(b) Juvenile Court of _____ County, Texas

Address: _____

(c) Sheriff's Department

Address: _____

(d) _____ Police Department

Address: _____

(e) _____ City Attorney's Office

Address: _____

(f) _____ Tobacco Awareness Course Provider

Address: _____

(g) _____ Community Service Provider

Address: _____

(h) Other: _____

Signed this _____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

NOTICE OF EXPUNCTION RIGHTS: PENAL OFFENSES/ DEFERRED DISPOSITION/ TEEN COURT (Art. 45.0216, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

**NOTICE OF EXPUNCTION RIGHTS
PENAL OFFENSES**

ATTENTION DEFENDANT AND PARENT:

Pursuant to Article 45.0216(e), Code of Criminal Procedure, upon conviction for a misdemeanor punishable by fine only or a violation of a penal ordinance, the Court must inform the child who is the subject of the hearing and the child’s parent in open court of the child’s expunction rights and provide the child and the child’s parent with a written copy of Article 45.0216 which reads as follows:

Art. 45.0216. EXPUNCTION OF CERTAIN CONVICTION RECORDS OF CHILDREN

- (a) In this article, “child” has the meaning assigned by Section 51.02, Family Code.
- (b) A person may apply to the court in which the person was convicted to have the conviction expunged as provided by this article on or after the person’s 17th birthday if:
 - (1) the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; or
 - (2) the person was convicted only once of an offense under Section 43.261, Penal Code.
- (c) The person must make a written request to have the records expunged. The request must be under oath.
- (d) The request must contain the person’s statement that the person was not convicted of any additional offense or found to have engaged in conduct indicating a need for supervision as described by Subsection (f)(1) or (2), as applicable.
- (e) The judge shall inform the person and any parent in open court of the person’s expunction rights and provide them with a copy of this article.
- (f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person’s record if the court finds that:
 - (1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and
 - (2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7), Family Code, while the person was a child.
- (f-1) After entry of an order under Subsection (f), the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.
- (g) This article does not apply to any offense otherwise covered by:
 - (1) Chapter 106, Alcoholic Beverage Code;
 - (2) Chapter 161, Health and Safety Code; or
 - (3) Section 25.094, Education Code.
- (h) Records of a person under 17 years of age relating to a complaint dismissed as provided by Article 45.051 or 45.052 may be expunged under this article.
- (i) The justice or municipal court shall require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expunction under this article.
- (j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

ISSUED AND RECEIVED BY THE UNDERSIGNED:

Signature of Defendant	Date	Signature of Municipal Judge	Date
Signature of Defendant	Date	Signature of Parent	Date

(municipal court seal)

APPLICATION FOR EXPUNCTION: PENAL OFFENSES (Art. 45.0216, C.C.P.)

IN THE MATTER OF

§

IN THE MUNICIPAL COURT

§

CITY OF _____

§

_____ COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ on the _____ day of _____, 20__ in the _____ Municipal Court in Cause Number _____.

Petitioner is now at least 17 years of age. Petitioner, being duly sworn, states under oath that:

he/she has not been convicted of more than one offense under Section 8.07(a)(4) or (5), Penal Code, while a child

he/she was only convicted once of an offense under Section 43.261 and was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7), Family Code (if the petitioner is attempting to have a conviction under Section 43.261 expunged with this application).

Petitioner requests that all records of said conviction be expunged pursuant to Article 45.0216, Code of Criminal Procedure, and the Court order expungement of all documents, records, and references thereof and release _____ from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

Defendant-Petitioner

Sworn and subscribed before me by _____, a credible person, on this _____ day of _____, 20__.

(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

*(municipal court seal or
notary public seal if sworn
before a notary public)*

Editor's Note: The Court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies.

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS
(Petitioner)		

ORDER OF EXPUNGEMENT

On this date came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Article 45.0216, Code of Criminal Procedure.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the application and motion for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:

- Name:
- Sex:
- Race:
- Date of Birth:
- Driver's License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:

- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Article 45.0216, Code of Criminal Procedure, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the Department of Public Safety shall send a copy of this Order by certified mail, return receipt requested, to any central federal depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

ORDER FOR EXPUNCTION OF RECORDS: PENAL OFFENSES (Art. 45.0216, P.C.) (Page 2 of 2)

(7) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable*):

(a) Juvenile Court of _____ County, Texas

Address: _____

(b) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(c) Sheriff's Department

Address: _____

(d) _____ Police Department

Address: _____

(e) _____ City Attorney's Office

Address: _____

(f) _____ Community Service Provider

Address: _____

(g) Pretrial Services and/or Juvenile Case Manager

Address: _____

(h) Other: _____

Signed this _____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

AFFIDAVIT FOR COMPLAINT: FAILURE TO ATTEND SCHOOL – SCHOOL ATTENDANCE OFFICER (Sec. 25.094, E.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

In the Name and by the Authority of the State of Texas:

I, _____, being duly sworn on oath, state and swear that I am duly employed by the _____ School District and am charged with the duties of attendance officer. In this role, I am responsible for compliance with state laws regulating compulsory school attendance by students residing with this school district.

I have good reason to believe and do believe that _____, individual whose date of birth is _____, is required to attend school under Section 25.085, Education Code. This individual is regularly enrolled and attends the _____ School, within this school district (and within the territorial limits of the City of _____) (and lives within the City of _____). Before the making and filing of this affidavit in the territorial limits of the City of _____ and the State of Texas, the individual has intentionally and knowingly failed to attend school for _____ days during the period between _____ and _____.

This failure to attend was determined by:

- Reviewing attendance records of the school,
- Interviewing _____, or
- Other _____.

Further, no reason for the foregoing absences was provided to the school by the custodial parent or other person in parental relation to the individual; the records of the school contain no excuse; and each of said absences was unexcused.

I further certify that the school has applied the truancy prevention measures adopted under Section 25.0915(a), Education Code to the student and the truancy prevention measures failed to meaningfully address the student’s school attendance.

The student is eligible is not eligible for special education services under Subchapter A, Chapter 29, Education Code and the student receives does not receive such services.

Additional specifics are:

_____.

Against the peace and dignity of the State.

Affiant: _____

Sworn to and subscribed before me on this the _____ day of _____, 20____.

 (Notary Public in and for the State of Texas)
 (Clerk)(Deputy Clerk)(Municipal Court Judge)
 City of _____
 _____ County, Texas

Editor’s Note: Section 25.0951, E.C., provides that if a student fails to attend school without an excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall, within 10 school days of the student’s last absence (i.e., the 10th absence), file a complaint against the student, the student’s parent, or both in the appropriate court alleging an offense under Section 25.093 or 25.094, E.C.

COMPLAINT: FAILURE TO ATTEND SCHOOL (Sec. 25.094, E.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

In the Name and by the Authority of the State of Texas:

Before me, the undersigned authority, personally appeared affiant, known to me to be a credible person, who after being by me duly sworn, upon oath deposes and says affiant has good reason to believe and does believe that _____, hereinafter called the Defendant, an individual (age ____ on the above-referenced date), heretofore, on or about the ____ day of _____, 20____, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, did then and there intentionally and knowingly fail to attend school for:

- ten or more days or part of days within a six-month period in the same school year
- three or more days or parts of days within a four week period

without an excuse as provided for by law and said Defendant is required and not exempt to attend school under Section 25.085 of the Texas Education Code.

Against the peace and dignity of the State.

Affiant: _____

Sworn and subscribed before me by _____, a credible person, this ____ day of _____, 20____.

(municipal court seal)

 (Judge) (Clerk) (Deputy Clerk), Municipal Court
 City of _____
 _____ County, Texas

Editor’s Note: Section 25.0951, E.C., provides that if a student fails to attend school without an excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall, within 10 school days of the student’s last absence (i.e., the 10th absence), file a complaint against the student, the student’s parent, or both in the appropriate court alleging an offense under Section 25.093 or 25.094, E.C.

AFFIDAVIT FOR COMPLAINT: PARENT CONTRIBUTING TO NON-ATTENDANCE (Sec. 25.093, E.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

In the Name and by the Authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____ (parent/or other person in parental relation), hereinafter called the Defendant, heretofore, on or about the _____ day of _____, 20____, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, did then and there with criminal negligence fail to require _____ (*name of student*) on the above-referenced date to attend school for _____ or more days between the following periods of time: _____ and _____.

This failure to attend was determined by:

- Reviewing attendance records of the school,
- Interviewing _____, or
- Other _____.

I submitted a written warning to _____ (*parent or individual standing in parental relation to*) _____ (*name of student*) on the _____ day of _____, 20____. No reason for the foregoing absences was provided to the school by the custodial parent or other person in parental relation to _____ (*name of student*); and he/she failed to require _____ (*name of student*) to attend school as required by Section 25.085, Education Code, and permitted the foregoing unexcused voluntary absences from school.

Additional specifics are:

Against the peace and dignity of the State.

Affiant: _____

Sworn to and subscribed before me on this the _____ day of _____, 20____.

(Notary Public in and for the State of Texas)
(Clerk)(Deputy Clerk)(Municipal Court Judge)

City of _____

_____ County, Texas

Editor’s Note: Section 25.0951, E.C., provides that if a student fails to attend school without an excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall, within 10 school days of the student’s last absence (i.e., the 10th absence), file a complaint against the student, the student’s parent, or both in the appropriate court alleging an offense under Section 25.093 or 25.094, E.C.

Section 25.085, E.C., allows a board of trustees of a school district to adopt a policy requiring a student who voluntarily enrolls in school or attends school after his or her 18th birthday to attend school until the end of the school year. Parents, however, are exempt from sanctions, such as “Parent Contributing to Nonattendance,” under these rules.

FAILURE TO ATTEND SCHOOL DISPOSITIONAL ORDER (Art. 45.054, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER

On this date appeared _____, Defendant in the above-styled and number cause, who, having being found guilty of an offense under Section 25.094, Education Code, this Court having jurisdiction **ORDERS** the following provisions as indicated:

- The Defendant:
 - attend school without unexcused absences;
 - attend a preparatory class for the high school equivalency exam due to the Court's determination that the Defendant is too old to do well in a formal classroom environment; or
 - take the high school equivalency examination administered under Section 7.111, Education Code (applicable only if the Defendant is at least 16 years of age).
- The Defendant attend a special program the Court has determined to be in best interest of the individual, including:
 - alcohol program;
 - drug abuse program;
 - rehabilitation program;
 - counseling, including self-improvement counseling;
 - training in self-esteem and leadership;
 - work and job skills training;
 - training in parenting, including parental responsibility;
 - training in manners;
 - training in violence avoidance;
 - sensitivity training; and
 - training in advocacy and mentoring.
- The Defendant complete reasonable community service requirements: _____.
- The Defendant participate in a tutorial program provided by the school, in academic subjects for which child is enrolled for _____ hours.
- The Department of Public Safety (DPS):
 - suspend the driver's license or permit of the Defendant for a period of _____ days (not to exceed 365);
 - deny the issuance of a driver's license or permit to the Defendant for a period of _____ days (not to exceed 365).
- The Defendant and the Defendant's parents, managing conservator, or guardian attend a class for students at risk of dropping out. This order applies specifically to the following individuals: _____.
- Fees or court costs imposed in this case are waived as this Court finds payment would cause financial hardship.
- Fees or court costs imposed in this case are reduced to \$_____ as this Court finds payment would cause financial hardship.

This dispositional order shall be in effect for _____ days (not to exceed 180 days or until the end of the school year, whichever is longer).

Signed and entered this date: _____

Judge, Municipal Court

(municipal court seal)

City of _____

_____ County, Texas

This Court finds that

- the Defendant has successfully complied with the conditions imposed on the individual in this order
- the Defendant has presented to this Court proof that the Defendant has obtained a high school diploma or high school equivalency certificate.

It is hereby **ORDERED** that the complaint against the Defendant alleging that the Defendant committed an offense under Section 25.094, Education Code is hereby dismissed.

Judge, Municipal Court

Date: _____

DISMISSAL OF UNTIMELY FAILURE TO ATTEND SCHOOL COMPLAINT (Sec. 25.0951, E.C.)

CAUSE NUMBER (S):

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER OF DISMISSAL

WHEREAS, Section 25.0951(a) and (d), Education Code, provides:

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the students 10th absence file a complaint alleging failure to attend school and/or parent contributing to non-attendance. A court shall dismiss a complaint or referral made by a school district that is not made in compliance with this section.

(1) A complaint dismissed for the school district’s failure to file within 10 days may not be filed again. A school district may, however, file a new complaint with an unexcused absence that occurred subsequent to the absences noted on the original complaint, but it must do so within 10 days of the latest unexcused absence.

(2) A school district may not file a complaint or referral under Section 25.0951(b) if the student has accumulated 10 unexcused absences by the time the school district is ready to file the case.

WHEREAS, the evidence duly presented shows that (this complaint was) (these complaints were) not timely filed.

THE COURT FINDS AND ORDERS:

The complaints in the above referenced cause number(s) are not timely filed and are **HEREBY DISMISSED.**

(municipal court seal)

Judge, Municipal Court Date

City of _____

_____ County, Texas

ORDER TO TAKE INTO NONSECURE CUSTODY: OFFENDER UNDER AGE 17 (Art. 45.058, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby **COMMANDED** to take into nonsecure custody _____, the Defendant, and immediately bring (him)(her) before the Court to be dealt with according to law. Said Defendant has been accused of the fine-only misdemeanor offense of: _____, which is against the laws of the State of Texas (against the city ordinances of this city).

Defendant's date of birth is _____. Defendant is to be taken immediately before a Judge of this Court, to a designated place of non-secure custody, or as otherwise provided by Article 45.058(b), Code of Criminal Procedure.

HEREIN FAIL NOT, but make due service and return of this Order of Nonsecure Custody, showing how you executed the same.

Signed this ____ day of _____, 20__.

(municipal court seal)

(Magistrate)(Judge), Municipal Court
City of _____
_____ County, Texas

OFFICER'S RETURN

Came to hand the ____ day of _____, 20__, at _____ o'clock, ____m. and executed on the ____ day of _____, 20__, at _____ o'clock, ____m. by _____.

Peace Officer

REPORT TO JUVENILE COURT OF COMPLAINT FILED (Sec. 51.08(c), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

- Offense alleged: _____
- Juvenile's birthdate: _____
- Complaint filed: _____, 20__
- Reported to Juvenile Court: _____, 20__
- Final Disposition entered: _____, 20__
- Reported to Juvenile Court: _____, 20__
- Certified Copy of Final Disposition Attached: _____, 20__

Signed and entered this ____ day of _____, 20__.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

Editor's Note: It is suggested that this form be in triplicate; the top copy would report to the Juvenile Court the filing of a complaint against a juvenile in Municipal Court and would record the docket number, the juvenile Defendant's name, birth date, and the offense alleged; the second copy would then accompany the copy of the final disposition to the Juvenile Court and the third copy would be retained in the Municipal Court's file to document that the required reports were made. This form would be used only in cases where the Municipal Court does not waive its jurisdiction.

WAIVER OF JURISDICTION AND TRANSFER TO JUVENILE COURT (Sec. 51.08(b), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

Defendant's Birth Date: _____

TO: Juvenile Court

Pursuant to Section 51.08, Family Code, the Municipal Court referenced above **waives** its jurisdiction in the case set out and transfers the case to the Juvenile Court named. The case was not transferred to the Municipal Court by the Juvenile Court, nor is it a case alleging a traffic violation. The case does allege an offense classified as a misdemeanor punishable by fine only or violation of city ordinance other than traffic.

The records of this Municipal Court show of this Defendant:

- | | |
|---|--|
| <input type="checkbox"/> No prior case filed
<input type="checkbox"/> No prior conviction
<input type="checkbox"/> One previous conviction
<input type="checkbox"/> Two previous convictions | Docket Number: _____
Offense: _____
Punishment Assessed: _____
Final Disposition: _____

Docket Number: _____
Offense: _____
Punishment Assessed: _____
Final Disposition: _____ |
|---|--|

Check only what is applicable. Add as many prior convictions as your records show except traffic or tobacco offenses.

The following marked documents are enclosed to effect this waiver of Municipal Court jurisdiction and transfer of the case to the Juvenile Court.

- | | |
|---|---|
| <input type="checkbox"/> Citation
<input type="checkbox"/> Complaint
<input type="checkbox"/> Magistrate's Warning Certificate
<input type="checkbox"/> Juvenile Confession/Voluntary Statement Warnings
<input type="checkbox"/> Waiver of Rights by a Juvenile
<input type="checkbox"/> Magistrate's Certification and Acknowledgment of Voluntary Statement of Juvenile | <input type="checkbox"/> Appearance Bond
<input type="checkbox"/> Other: _____

_____ |
|---|---|

Signed and entered this _____ day of _____, 20____.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

Editor's Note: Check only those items that are available in a particular case. Not every case will have every item. In transferring the case, the Municipal Court should send all original papers to the Juvenile Court, but it should keep copies in its own case file.

A Municipal Court that implements a juvenile case manager under Article 45.054, C.C.P., may—but is not required to—waive its original jurisdiction, except in sexting cases against children. Sec. 51.08(b)(1), F.C.

OPTIONAL ORDERS APPLICABLE TO JUVENILES (Art. 45.057, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

On this date appeared _____, Defendant in the above-styled and number cause, a child, who, having being found guilty of a fine-only offense, this Court having jurisdiction **ORDERS** the following provisions as indicated:

- The Defendant shall no later than _____, 20 ____:
 - Attend a rehabilitation program;
 - Attend counseling;
 - Attend self-esteem and leadership class;
 - Attend work and job skills training;
 - Attend job interviewing and work preparation training;
 - Attend self-improvement training;
 - Attend parenting class;
 - Attend manners training;
 - Attend violence avoidance training;
 - Get tutoring;
 - Attend parental responsibility training;
 - Attend sensitivity training;
 - Perform community service at _____ for ____ hours;
 - Participate in an advocacy or mentoring program;
 - Other: _____.

The above ordered program(s) shall be completed by _____, 20 ____.

- The Court further finds that the Defendant is at risk and orders the parent to attend:
 - Crisis family intervention;
 - Emergency short-term residential care for children 10 years of age or older;
 - Family counseling;
 - Parenting skills training;
 - Youth coping skills training;
 - Advocacy training;
 - Mentoring;
 - A parenting class or parental responsibility program;

The above ordered program(s) shall be completed by _____, 20 ____.

- The person required to attend this program submit proof of attendance to the Court.
- The parent, managing conservator, or guardian of the child shall pay an amount not greater than \$100 for the costs of the program.
- The parents, managing conservators, or guardians refrain from conduct that may encourage the child to violate a Court order.
- The parents, managing conservators, or guardians attend the child's school classes or functions.
- The Defendant is hereby **Ordered** to pay restitution in the amount of \$ _____ to the victim in this case. Said restitution to be paid by _____.
- The child or the child's parents, managing conservators, or guardians are referred for services under Section 264.302, Family Code. This order applies specifically to the following individuals: _____.

Dated: _____

 Judge, Municipal Court
 City of _____
 _____ County, Texas

(municipal court seal)

NOTICE OF CONTINUING OBLIGATION TO INFORM COURT OF CHILD'S RESIDENCE (Art. 45.057(h) and (i), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF _____
_____ § _____ COUNTY, TEXAS

NOTICE OF CONTINUING OBLIGATION TO INFORM COURT OF CHILD'S RESIDENCE

THE FOLLOWING NOTICE IS BEING PROVIDED TO (check either or both):

- The Defendant, namely, _____, a child
DOB ___/___/___ Age: _____
The Defendant's Parent (including any person standing in parental relation, a managing conservator, or a custodian),
namely, _____
DOB ___/___/___ Age: _____

ATTENTION: Pursuant to Article 45.057(j), Code of Criminal Procedure, you are being providing written notice of the following sections from Article 45.057:

- (h) A child and parent required to appear before the court have an obligation to provide the court in writing with the current address and residence of the child. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence (any place where the child lives or resides for a period of at least 30 days), the child or parent shall notify the court of the current address in the manner directed by the court. A violation of this subsection may result in arrest and is a Class C misdemeanor. The obligation to provide notice terminates on discharge and satisfaction of the judgment or final disposition not requiring a finding of guilt. (Explanation and emphasis added).
(i) If an appellate court accepts an appeal for a trial de novo, the child and parent shall provide the notice under Subsection (h) to the appellate court.

CHANGES IN ADDRESS: Changes in the Defendant's address shall be provided in writing to the Court in the following manner: _____

QUESTIONS: For additional information about your obligation you may call or visit the Court.

Municipal Court _____
Address _____
City, Texas _____
Zip Code _____
Telephone Number _____
Website _____

Defendant's Signature _____ Parent's Signature _____ Judge, Municipal Court
(municipal court seal) City of _____
Date _____

Note: A written copy of this notice must be provided to each individual placed under the obligation. A separate copy must be retained with the records of the case in the event of Juvenile Now-Adult (JNA) enforcement.

STATEMENT/CHANGE OF RESIDENTIAL ADDRESS

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

According to the records of the Court, the following is the residential address of the Defendant named above:

Check, sign, and date beneath ONE of the following:

- The information stated above is the CORRECT residential address of the Defendant named above. The Court has given me written notice of my continuing obligation to keep the Court informed as to changes in the Defendant’s correct residential address. I understand that violation of my obligation is a Class C misdemeanor punishable by a fine not to exceed \$500.00 dollars (excluding fees and costs) and may result in my arrest.

Signature

Date

- The information stated above is an INCORRECT residential address for the Defendant named above. I understand that knowingly making a false statement in a governmental record is a Class A misdemeanor. The CORRECT residential address for the Defendant is:

The Court has given me written notice of my continuing obligation to keep the Court informed as to changes in the Defendant’s correct residential address. I understand that violation of my obligation is a Class C misdemeanor punishable by a fine not to exceed \$500.00 dollars (excluding fees and costs) and may result in my arrest.

Signature

Date

Received, this the ___ day of _____, 20___.

(Judge) (Clerk) (Deputy Clerk), Municipal Court

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

In the Name and by the Authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____, hereinafter called the Defendant, on or about the ____ day of _____, 20____, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, the Defendant did then and there, after having been required to appear before the Municipal Court of _____, Texas as (the Defendant under the age of 17)(parent or guardian of _____, the Defendant under the age of 17) in Cause Number _____, (changed residence)(was aware of Defendant's change of residence) and intentionally, knowingly, and recklessly failed to notify the court in writing or in the manner ordered by the Court of the current address of the Defendant's residence within seven (7) days of said change of address.

Against the peace and dignity of the State.

Affiant: _____

Sworn and subscribed before me by _____, a credible person, this ____ day of _____, 20____.

(municipal court seal)

 (Judge) (Clerk) (Deputy Clerk), Municipal Court
 City of _____
 _____ County, Texas

JUDGMENT ADDENDUM: CHILD CONTEMPT WARNING (Art. 45.050(c), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

On this ___ day of _____ 20__, the Defendant in the above numbered and entitled cause is warned by the Court that failure or refusal to comply with the Court's order may result in the Defendant being held in contempt of court.

Violation of this Court's order shall result in the Defendant being taken into custody by a peace officer and either:

1. **REFERRAL** to Juvenile Court for delinquent conduct for contempt of a municipal court order;

OR

2. **RETENTION** of jurisdiction by this Court and:
 - A. the imposition of a fine not to exceed \$500; and/or
 - B. the suspension or denial of a driver's license or permit until the Defendant has **fully complied** with the orders of this Court.

Acknowledged by Defendant,

Defendant's Signature

Admonished by,

Judge, Municipal Court
City of _____
_____ County, Texas

(municipal court seal)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ____m., on the ____ day of _____, 20__, to show cause why you failed to abide by the terms of the judgment rendered against you on the _____, 20__. Specifically, you are accused of failing to:

WARNING

If you fail to appear pursuant to this order and your contemptuous conduct occurs **prior to your 17th birthday**, the Court may have you taken into custody and refer you to Juvenile Court for delinquent conduct. Alternatively, the Court may impose a fine of up to \$500 and/or deny you the ability to possess a Texas driver's license until you fully comply with the Court's orders. If an allegation of contempt stems from an offense occurring on or after September 1, 2003, and if you have already been found guilty, you may be committed to jail upon turning age 17. To avoid such consequences you must fully comply with all of the Court's orders.

(municipal court seal)

Judge, Municipal Court

City of _____

_____ County, Texas

JUDGMENT OF CONTEMPT BY A CHILD (Art. 45.050, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

JUDGMENT OF CONTEMPT

On the ___ day of _____, 20___, this Court entered a judgment of guilty against _____ (name) who was ordered by the Court to: _____

After personally receiving in writing the above lawful order from the Court, _____ did then and there fail to comply with the order, to wit: _____

which amounted to a willful and contemptuous refusal to obey the above lawful order. _____ was warned by the Court that such failure or refusal was unlawful contempt of court on _____.

After receiving a written warning, _____ did then and there willfully and contemptuously refuse to obey the lawful order by _____ (municipal judge).

The Court finds that a notice of contempt was made to _____ on the ___ day of _____, 20___. That _____ (did)(did not) attend the show cause hearing on the ___ day of _____, 20___, as set forth in the notice. The Court finds contemnor did not show good cause he he/she should not be held in contempt.

The Court finds that a finding of contempt is necessary to compel obedience of court orders.

The Court hereby refers the child to the appropriate Juvenile Court for delinquent conduct for violating a lawful order of the _____ Municipal Court under circumstances that would constitute contempt of Court.

The Court hereby retains jurisdiction of the case and finds that this refusal constitutes contempt of court and that _____ is guilty of contempt.

It is hereby **ordered** that _____ pay a fine in the amount of \$ _____ (an amount not to exceed \$500).

It is hereby **ordered** that the Texas Department of Public Safety suspend the child's driver's license or deny the issuance of a license or permit until receiving notice from this Court that the child has fully complied with the orders of this Court.

Rendered and entered this ___ day of _____, 20__.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

ORDER REFERRING CHILD TO JUVENILE COURT FOR DELINQUENT CONDUCT (Art. 45.050(c)(1), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

The Judge of the Municipal Court of the City of _____, having examined the records in the matter of the above named Defendant, makes the following findings:

1. The Defendant's date of birth is _____.
2. The Defendant was previously convicted in this Court for the offense of _____, docket number _____ of the City of _____ Municipal Court on the _____ day of _____, 20____.
3. Upon conviction, this Court on the _____ day of _____, 20____ ordered Defendant to _____ no later than _____, 20____.
4. Defendant has disobeyed the above order by: _____

 _____.

Pursuant to Article 45.050(c)(1), Code of Criminal Procedure, it is **ORDERED** that the Defendant is referred to _____ (enter title of appropriate juvenile court official. See Section 51.02(12), Family Code), for delinquent conduct as defined in Section 51.03(a)(2), Family Code. **IT IS FURTHER ORDERED** that the Clerk of this Court shall forward a certified copy of all papers and records of this case, including this Order, to the above named official.

Signed and entered this _____ day of _____, 20____.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

NOTICE OF CONTINUING OBLIGATION TO APPEAR

WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. **AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE.** FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

YOU ARE HEREBY ORDERED TO APPEAR before the Municipal Court of the City of _____, _____ County, Texas at _____ o'clock ____ .m., on the _____ day of _____, 20____, then and there to answer to the State of Texas for the following misdemeanor(s):

THE COURT'S ADDRESS: _____

WITNESS my official signature this _____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____
_____, County, Texas

OFFICER'S RETURN

Came to hand the _____ day of _____, 20____, at _____ o'clock ____ .m., and executed the _____ day of _____, 20____ at ____ o'clock ____ .m. by:

- Delivering a copy of this *Notice of Continuing Obligation to Appear* to the Defendant personally.
- Mailing a copy of this *Notice of Continuing Obligation to Appear* to the Defendant's last known address pursuant to Article 45.057 and 45.060, Code of Criminal Procedure.

Address: _____

Signature of Individual Serving Process _____
Date: _____

COMPLAINT: VIOLATION OF CONTINUING OBLIGATION TO APPEAR (Art. 45.060, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

In the Name and by the Authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____, hereinafter called the Defendant, an individual age 17 or older, on or about the ____ day of _____, 20__, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, the Defendant did then and there intentionally, knowingly, or recklessly fail to appear after being given notice of his/her continuing obligation to appear at a designated time, place, and date to answer the allegations detailed in the notice and after previously being informed of the Defendant’s continuing obligation under Article 45.057 and given notice in accord with Article 45.060, Code of Criminal Procedure.

Against the peace and dignity of the State.

Affiant

Sworn and subscribed before me by _____,
a credible person, this ____ day of _____, 20__.

(municipal court seal)

(Judge) (Clerk) (Deputy Clerk), Municipal Court
City of _____
_____ County, Texas

CLERK'S AFFIDAVIT FOR CAPIAS PRO FINE: JNA

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

I, _____, being duly sworn, upon oath, state that I have good reason to believe and do believe that on or about the ____ day of _____, 20____, _____, Defendant, defaulted in payment of a fine and court costs. My belief is based upon the following:

I am the Municipal Court Clerk and custodian of the records for the Municipal Court, City of _____, _____ County, Texas. On _____, 20____, I personally examined the official records of this Municipal Court. The records indicate that the Defendant in the above styled and numbered cause was charged with the offense of _____, and was found guilty of the offense, on the ____ day of _____, 20____. The judgment in the above styled case indicate that the Defendant was ordered to make (a payment)(certain prescribed payments) on the fine and costs imposed on the following date(s):

The official court record indicates that the Defendant did not appear on the ____ day of _____, 20____ to make a payment or to request an extension as ordered by the Court. The official court record shows that said Defendant owes _____ dollars (\$_____) in fine and court costs to satisfy the judgment.

At the time of default, Defendant, a child, was at least 10 years of age and younger than 17 years of age. As required by law, the Court proceeded under Article 45.050, Code of Criminal Procedure, to compel the individual to discharge the judgment. According to court records, the Defendant is of date 17 years of age or older.

Affiant

Sworn to and subscribed before me on ____ day of _____, 20____.

(Judge) (Clerk) (Deputy Clerk)
City of _____

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

TO THE CHIEF OF POLICE OF THE CITY OF _____ OR ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

Whereas on the ____ day of _____, 20____, before Judge _____ of the Municipal Court of the City of _____, Texas, _____, Defendant, date of birth ____/____/____, was convicted of the offense of: _____ and a judgment was rendered by said Court in favor of the State, against said Defendant for the sum of \$_____ and all costs of Court; and there is due and unpaid the amount of \$_____.

According to court records, the Defendant defaulted in discharging the judgment of the Court on or about ____/____/____.

At the time of default, Defendant, a child, was at least 10 years of age and younger than 17 years of age. As required by law, the Court proceeded under Article 45.050, Code of Criminal Procedure, to compel the individual to discharge the judgment. According to Court records, the Defendant is of this day 17 years of age or older. According to court records, the amount of \$_____ remains unpaid. The individual named as the Defendant in the judgment of the above styled case is now an adult.

The Court hereby finds that the issuance of a capias pro fine is justified. In making such a finding, the Court has considered:

1. The sophistication and maturity of the individual;
2. The criminal record and history of the individual; and
3. The reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the Court.

You are therefore commanded to bring said Defendant before the Municipal Court of the City of _____, Texas immediately or place him or her in jail until the next business day following the date of the Defendant’s arrest if the Defendant cannot be brought before the court immediately. **You are commanded** to notify the Court immediately upon arrest of the Defendant.

In witness whereof, I have hereunto set my hand at my office in the Municipal Court of the City of _____, Texas this ____ day of _____, 20____.

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

OFFICER'S RETURN

Came to hand the ____ day of _____, 20____, at _____ o'clock ____m. Executed on the ____ day of _____, 20____, at _____ o'clock ____m. the same by arresting _____, the named Defendant.

Arresting Officer

ORDER OF COMMITMENT (CAPIAS PRO FINE): JNA (Art. 45.046, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF _____
_____ § _____ COUNTY, TEXAS

TO THE SHERIFF OF _____ COUNTY, TEXAS – GREETINGS:

You are commanded to take into custody and commit to the jail of your County the Defendant, in the above styled case, who, on the _____, day of _____, 20____, was convicted before the Municipal Court in the City of _____, _____ County, Texas of the offense of _____ and was assessed a fine and court costs totaling \$_____, of which \$ _____ is unpaid.

At the time of default, Defendant, a child, was at least 10 years of age and younger than 17 years of age. As required by law, the Court proceeded under Article 45.050, Code of Criminal Procedure, to compel the individual to discharge the judgment. According to Court records, the Defendant is of this day 17 years of age or older. According to Court records, the amount of \$_____ remains unpaid. The individual named as the Defendant in the judgment of the above styled case is now an adult.

The Court has found the issuance of a capias pro fine justified. In making such a finding, the Court considered:

- 1. the sophistication and maturity of the individual;
2. the criminal record and history of the individual; and
3. the reasonable likelihood of bringing about the discharge of the judgment the use of procedures and services currently available to the Court.

The undersigned finds that EITHER

- (1) the arrestee is the same person as the Defendant in the cause described above;
(2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and
(3) the Defendant is not indigent and has failed to make a good faith effort to discharge said fine and costs.

OR

- (1) the arrestee is the same person as the Defendant in the cause described above;
(2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and
(3) the Defendant is indigent and:
(a) has failed to make a good faith effort to discharge the fine and costs under Article 45.049, Code of Criminal Procedure, (community service);
(b) could have discharged the fine under Article 45.049, Code of Criminal Procedure (community service) without experiencing any undue hardship.

Therefore, you are commanded to keep the Defendant in custody until the sum of \$ _____ is fully paid or Defendant is otherwise discharged by law. Unless otherwise specified in the judgment or sentence in said cause, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (not less than 8 or more than 24) to earn
_____ (minimum dollar amount \$50) to satisfy the fine and costs.

In the event Defendant is committed for defaulting in more than one judgment, jail credit is to be assessed:

- Concurrently (at the same time, per judgment until jail credit exceeds or equals the sum total of fine and costs).
Consecutively (“stacked,” one sentence of confinement is to follow another until jail credit exceeds or equals the sum total of fine and costs) with the following cause(s): List Cause Number(s), Court(s), date of judgment(s), offense(s), and fine and costs total(s).

Ordered on this _____ day of _____, 20____.

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas