



JUVENILES

JUVENILES

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For forms related to civil cases for truant conduct, see the *Texas Truancy Resource Manual* for truancy courts at tmcec.com/resources/truancy.

For forms related to Youth Diversion, go to tmcec.com/youth-diversion.

APPLICATION FOR EXPUNCTION: ALCOHOLIC BEVERAGE CODE OFFENSES - CONVICTION (Sec. 106.12(a), (b), (c), 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 of the Alcoholic Beverage Code, and the Court order expungement of all documents, records, and references thereof and release Petitioner 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 charge an applicant a fee of \$30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 106.12(e), A.B.C.

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

IN THE MATTER OF

§

IN THE MUNICIPAL COURT

§

CITY OF _____

§

_____ COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____, Petitioner, placed under custodial or noncustodial arrest for an incident leading to the following alleged violation(s) of the Alcoholic Beverage Code: _____, on the _____ day of _____, 20____, resulting in one or more charges filed in the _____ Municipal Court in Cause Number _____. Said arrest did not result in a conviction for the alleged violation(s) listed above.

Petitioner, being duly sworn, states under oath that he/she has not been arrested for an event leading to any other violation of the Alcoholic Beverage Code except for the arrest Petitioner seeks to expunge in this application.

Petitioner requests that all records of said arrest be expunged pursuant to Section 106.12 of the Alcoholic Beverage Code, and the Court order expungement of all documents, records, and references thereof and release Petitioner from all disabilities resulting from said arrest. Petitioner further requests that said arrest 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 arrest.

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 charge an applicant a fee of \$30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 106.12(e), A.B.C.

For arrests made before, on, or after September 1, 2023, if the event leading to an alleged violation of the Alcoholic Beverage Code included multiple alleged violations during this event, all alleged violations from this event are eligible for expungement. Sec. 106.12(d), A.B.C.

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 (*check all that apply*) arrest 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

APPLICATION FOR EXPUNCTION: E-CIGARETTE AND 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 is at least 21 years of age.

Petitioner requests that all records of said conviction be expunged pursuant to Section 161.255 of the Health and Safety Code, and the Court order expungement of all documents, records, and references thereof and release Petitioner 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 charge an applicant a fee of \$30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 161.255, H.S.C.

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 (6) 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: E-CIGARETTE AND 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) _____ E-Cigarette and 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

ORDER FOR EXPUNCTION OF RECORDS: FAILURE TO ATTEND SCHOOL (Art. 45A.464, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

SEE ATTACHED LIST

ORDER OF EXPUNCTION

According to the records of the Court, *(the above named individual)* or *(the attached list of individuals)* has either been convicted of or has had a complaint dismissed for Failure to Attend School (Section 25.094, E.C., repealed September 1, 2015), and per Article 45A.464 of the Code of Criminal Procedure, is entitled to have the conviction, complaint, and records relating to the conviction or complaint expunged.

Therefore, it is hereby Ordered, Adjudged, and Decreed that all convictions, complaints, verdicts, sentences, and other documents relating to the offense of Failure to Attend School be expunged from the individual's record.

Upon entry of this order, any individual named in this order is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose. Art. 45A.464, C.C.P.

This order applies to all records relating to a Failure to Attend School case, including those in the possession of a school district or law enforcement agency.

Signed this ____ day of _____, 20 ____.

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

APPLICATION FOR EXPUNCTION: PENAL OFFENSES (Art. 45A.463, 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)(6), 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 45A.463 of the 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 charge an applicant a reimbursement fee of \$30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 45A.463(j), C.C.P.

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 45A.463, 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 45A.463, 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 (6) 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. 45A.463, C.C.P.) (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: 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

DISMISSAL OF PARENT CONTRIBUTING TO NON-ATTENDANCE CHARGE (Art. 45A.403, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER OF DISMISSAL

WHEREAS, the charge against the above named defendant alleges the defendant committed an offense under Section 25.093, Education Code, **the Court Hereby Finds** that

- a dismissal would be in the interest of justice because:
 - there is a low likelihood of recidivism by the defendant.
 - sufficient justification exists for the failure to attend school.

OR

- the defendant fulfilled the terms of an agreement described by Section 25.094 of the Education Code.

THE COURT ORDERS:

The charge in the above referenced cause number is **HEREBY DISMISSED**.

(municipal court seal)

 Judge, Municipal Court Date

City of _____

_____ County, Texas

Editor’s Note: Effective September 1, 2023, a municipal court shall dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093 of the Education Code, if the parent completes the terms of an agreement under Section 25.094 of the Education Code entered into by the parent and the school district at which the parent’s child attends, within the period required by Section 25.094(b). If agreed to by the school district that is a party to the agreement, the court may extend the period under Section 25.094(b), during which a parent may fulfill the terms of the agreement.

ORDER TO TAKE INTO NONSECURE CUSTODY: OFFENDER UNDER AGE 17 (Art. 45A.453, 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 45A.453, 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; (1) the top copy would report to the juvenile court the filing of a complaint against a juvenile in a municipal court and would record the docket number, the juvenile defendant's name, birthdate, and the offense alleged; (2) the second copy would then accompany the copy of the final disposition to the juvenile court; and (3) 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), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

Defendant's Birthdate: _____

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 alleges an offense classified as a misdemeanor punishable by fine only or violation of a city ordinance other than traffic.

The records of this Municipal Court show regarding this Defendant:

- No prior case filed
- No prior conviction
- One previous conviction
- Two previous convictions
- Dismissal under Sec. 51.08(b)(1)(A), F.C.
- Dismissal under Sec. 8.08, P.C.

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.

- Citation
- Complaint
- Magistrate's Warning Certificate
- Juvenile Confession/Voluntary Statement Warnings
- Waiver of Rights by a Juvenile
- Magistrate's Certification and Acknowledgment of Voluntary Statement of Juvenile

- Appearance Bond
- Order Dismissing Complaint for Child with Mental Illness, Disability, or Lack of Capacity
- 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 program under Article 45A.451, C.C.P., may—but is not required to—waive its original jurisdiction, except in “sexting” cases against children. Sec. 51.08(b)(1)(A), F.C. Under Sec. 51.08(f), F.C., transfer is mandatory if the complaint alleges a non-traffic offense against a child and this court or another court has previously dismissed a complaint against the defendant child under Sec. 8.08, P.C. for lack of capacity.

WAIVER OF JURISDICTION AND TRANSFER TO JUVENILE COURT: CHILD WITH MENTAL ILLNESS, DISABILITY, OR LACK OF CAPACITY (Sec. 51.08(f), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ **COUNTY, TEXAS**

Defendant's Birthdate: _____

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 complaint alleges _____, an offense classified as a misdemeanor punishable by fine only, other than a traffic offense, and this court or another court, to wit, _____, has previously dismissed a complaint against the defendant child under Section 8.08, Penal Code. The details of the dismissal are listed below and the order of dismissal is enclosed herein.

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

(municipal court seal)

Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: The mandatory transfer to juvenile court created by Section 51.08(f) of the Family Code applies regardless of whether the court employs a juvenile case manager.

ORDER DISMISSING COMPLAINT FOR CHILD WITH MENTAL ILLNESS, DISABILITY, OR LACK OF CAPACITY
(Sec. 8.08, P.C.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ **COUNTY, TEXAS**

ORDER

On this the _____ day of _____, 20____, the Defendant, _____, a child, as defined by Article 45A.453(a), Code of Criminal Procedure, appeared in the above numbered and styled cause.

This court, having jurisdiction of misdemeanors punishable by fine only and of violations of a penal ordinance of a political subdivision,

Upon motion by *(the state) (the defendant) (a person standing in parental relation to the defendant) (the court)*,

Finds probable cause exists to believe that said Defendant: *(Check One)*

- Lacks the capacity to understand the proceedings in criminal court or to assist in the child's own defense and is unfit to proceed.
- Lacks substantial capacity either to appreciate the wrongfulness of the child's own conduct or to conform the child's conduct to the requirement of law.

Having provided notice to the State, it is hereby ORDERED that the above styled and numbered cause is DISMISSED.

It is FURTHER ORDERED that all subsequent NON-TRAFFIC cases filed against said Defendant in this court be TRANSFERRED TO:

Juvenile Court

(municipal court seal)

Judge, Municipal Court

Date

City of _____

_____ County, Texas

OPTIONAL ORDERS APPLICABLE TO JUVENILES (Art. 45A.457, 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 been 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 137.152, Human Resources Code. This order applies specifically to the following individuals: _____.

Dated: _____

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

NOTICE OF CONTINUING OBLIGATION TO INFORM COURT OF CHILD'S RESIDENCE (Art. 45A.457(h), (i), and (j), 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 45A.457(j), Code of Criminal Procedure, you are being providing written notice of the following sections from Article 45A.457:

- (h) A child and parent required to appear before the court have an obligation to provide the child's **current address and residence** to the court **in writing**. **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 is a Class C misdemeanor and may result in arrest. The obligation to provide notice terminates on discharge and satisfaction of the judgment or a 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 _____

Editor's 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 (Art. 45A.457(h), C.C.P.)

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. 45A.461(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 the Court's orders.

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

JUDGMENT OF CONTEMPT BY A CHILD (Art. 45A.461, 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. 45A.(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 45A.461(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

Editor's Note: Before referring a child to the appropriate juvenile court for delinquent conduct for contempt of the justice or municipal court order, the justice or municipal court must first provide the child notice and an opportunity to be heard.

NOTICE OF CONTINUING OBLIGATION TO APPEAR: JUVENILE NOW ADULT (Art. 45A.456, C.C.P.)

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 45A.457 and 45A.456, Code of Criminal Procedure.

Address:

Signature of Individual Serving Process

Date: _____

COMPLAINT: VIOLATION OF CONTINUING OBLIGATION TO APPEAR (Art. 45A.456, 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 45A.457 and given notice in accord with Article 45A.456, 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 45A.461, 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 _____

Editor's Note: A capias pro fine may not be issued for an individual convicted for an offense committed before the individual's 17th birthday unless: (1) the individual is 17 years of age or older; (2) the court finds that the issuance of the capias pro fine is justified after considering: (A) the sophistication and maturity of the individual; (B) the criminal record and history of the individual; and (C) the reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the court; and (3) the court has proceeded under Article 45A.461 to compel the individual to discharge the judgment. Art. 45A.259(h), C.C.P.

SHOW CAUSE NOTICE PRIOR TO ISSUANCE OF CAPIAS PRO FINE: JUVENILE NOW ADULT (Art. 45A.259, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

The official Court record shows that you have failed to satisfy the judgment rendered against you on _____, 20__ according to its terms. **You are hereby ordered** to appear before the _____ Municipal Court at _____ o'clock ____m., on the ____ day of _____, 20__, for a hearing on your ability to satisfy the terms of the judgment. Specifically, you are accused of failing to:

_____.

If all the terms of the judgment are not timely satisfied on or before the date ordered above, the defendant must appear on the date and time ordered above to show cause why a capias pro fine should not be issued. If the reason for failure to satisfy the judgment is that the judgment imposes an undue hardship, bring documentation with you to the hearing. Failure to appear on this date and time may result in the issuance of a capias pro fine and commitment to jail to discharge the judgment under Article 45A.261 of the Code of Criminal Procedure. Additional fees by law may result.

Judge, Municipal Court
City of _____
_____ County, Texas

(municipal court seal)

Editor's Note: A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under 45A.259(f), C.C.P., as a result of the hearing.

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 45A.461, 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 criminal case is now an adult.

The Court held a hearing at _____ o'clock ___m., on the ___ day of _____, 20___. (☐ The Defendant failed to appear at the hearing.) (☐ Based on evidence presented at the hearing, the court determined that a capias pro fine should be issued.)

Therefore, the Court hereby finds that said Defendant has defaulted and failed to wholly satisfy the judgment in the above styled case.

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 before a municipal court located in the same municipality if this Court is unavailable] 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. If the Defendant is placed in jail, jail personnel are ORDERED to notify the Court IMMEDIATELY upon placement of the Defendant in jail.

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

Editor's Note: A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under 45A.259(f), C.C.P., as a result of the hearing.

ORDER OF COMMITMENT: JUVENILE NOW ADULT (Art. 45A.261, 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 45A.461, 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 (check the applicable one):

- (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 or costs; and
- (3) the Defendant is not indigent and has failed to make a good faith effort to discharge said fine or 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 or costs; and
- (3) the Defendant is indigent and:
 - (a) has failed to make a good faith effort to discharge the fine or costs under Article 45A.254, Code of Criminal Procedure, (community service);
 - (b) could have discharged the fine under Article 45A.254, 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 45A.262, 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 \$150) 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(s) 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