



# **JUVENILES**

# JUVENILES

## Table of Contents

### Expunction

#### Alcoholic Beverage Code Offenses

Application for Expunction: Alcoholic Beverage Code Offenses .....	195
Order for Expunction of Records: Alcoholic Beverage Code Offenses.....	196

#### Failure to Attend School

Failure to Attend School: Notice of Expunction Rights .....	198
Application for Expunction: Failure to Attend School .....	199
Order for Expunction of Records: Failure to Attend School.....	200

#### Tobacco Offenses

Application for Expunction: Tobacco Offenses .....	202
Order for Expunction of Records: Tobacco Offenses .....	203




#### Penal Offenses

Notice of Expunction Rights: Penal Offenses/Deferred Disposition/Teen Court .....	205
Application for Expunction: Penal Offenses.....	206
Order for Expunction of Records: Penal Offenses .....	207

### Failure to Attend School Cases

Affidavit for Complaint: Failure to Attend School - School Attendance Officer .....	209
Complaint: Failure to Attend School.....	210
Affidavit for Complaint: Parent Contributing to Non-Attendance.....	211
Failure to Attend School Dispositional Order.....	212
Dismissal of Untimely Failure to Attend School Complaint.....	213

### General Forms

Order to Take into Nonsecure Custody – Offender under Age 17.....	214
Report to Juvenile Court of Complaint Filed .....	215
 Waiver of Jurisdiction and Transfer to Juvenile Court .....	216
 Waiver of Jurisdiction and Transfer to Juvenile Court: Child with Mental Illness, Disability, or Lack of Capacity .....	217
 Order Dismissing Complaint for Child with Mental Illness, Disability, or Lack of Capacity .....	218
Optional Orders Applicable to Juveniles.....	219

### Youth Accountability & Enforcement

Notice of Continuing Obligation to Inform Court of Child's Residence .....	220
Statement/Change of Residential Address .....	221
Complaint: Violation of Continuing Obligation to Inform Court of Child's Address .....	222
Judgment Addendum: Child Contempt Warning .....	223
Contempt Show Cause Notice: Child.....	224
Judgment of Contempt by a Child.....	225
Order Referring Child to Juvenile Court for Delinquent Conduct.....	226
Notice of Continuing Obligation to Appear: JNA.....	227
Complaint: Violation of Continuing Obligation to Appear.....	228
Clerk's Affidavit for Capias Pro Fine: JNA .....	229
Capias Pro Fine: JNA .....	230
Order of Commitment (Capias Pro Fine): JNA.....	231

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

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)

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

**CAUSE NUMBER:** \_\_\_\_\_

<b>STATE OF TEXAS</b>	§	<b>IN THE MUNICIPAL COURT</b>
<b>VS.</b>	§	<b>CITY OF</b> _____
_____	§	_____ <b>COUNTY, TEXAS</b>

**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)(8), 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:**

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

(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:** \_\_\_\_\_

<b>STATE OF TEXAS</b>	§	<b>IN THE MUNICIPAL COURT</b>
<b>VS.</b>	§	<b>CITY OF</b> _____
_____	§	_____ <b>COUNTY, TEXAS</b>

**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: \_\_\_\_\_

(municipal court seal)

\_\_\_\_\_  
Judge, Municipal Court

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 10<sup>th</sup> 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), 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:

- ☐ 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 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)(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 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 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) applies regardless 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:** \_\_\_\_\_

<b>STATE OF TEXAS</b>	<b>§</b>	<b>IN THE MUNICIPAL COURT</b>
<b>VS.</b>	<b>§</b>	<b>CITY OF _____</b>
_____	<b>§</b>	<b>_____ COUNTY, TEXAS</b>

**ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Defendant, \_\_\_\_\_, a child, as defined by Article 45.058(h), 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

**Editor's Note:** The 83rd Legislature amended Chapter 8 of the Penal Code to add Section 8.08, providing that on motion of the state, the defendant, or a person standing in parental relation to the defendant, or on the court's own motion, the court shall determine whether probable cause exists to believe that a child lacks capacity in one of the two ways stated in the statute. If the court so finds, it may dismiss the complaint after providing notice to the state. Such a dismissal may be appealed as provided by Article 44.01, C.C.P.

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 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 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

(municipal court seal)

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Judge, Municipal Court

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

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)*

CONTEMPT SHOW CAUSE NOTICE: CHILD (Art. 45.050(c), C.C.P.)

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 17<sup>th</sup> 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:** \_\_\_\_\_

<b>STATE OF TEXAS</b>	<b>§</b>	<b>IN THE MUNICIPAL COURT</b>
<b>VS.</b>	<b>§</b>	<b>CITY OF _____</b>
_____	<b>§</b>	<b>_____ COUNTY, TEXAS</b>

**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

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