

No. _____

IN THE MATTER OF

IN THE _____

[53.04 (b)]

[51.04 (c)]

___ COUNTY, TEXAS

ORIGINAL PETITION RE: CHILD ENGAGED IN DELINQUENT CONDUCT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES _____, Assistant District Attorney [53.04(a)] for _____ County, Texas, and files this Petition on information [53.04(c)] and belief against Respondent child _____, who resides at _____ [53.04(d)(2)] and is _____ years of age, having been born on _____ day of _____, 19____. On the date of the offense(s) alleged herein, said Respondent [51.02(2)] was ten years of age or older and under seventeen years of age. The name and address of the child’s parent or adult guardian is _____ [53.04(d)(3)]. [The child’s spouse’s name and address.]

That [53.04(d)(3)] the name and residence of the person or persons having custody and control of said child _____.

Your Petitioner alleges the following facts which appear to bring said child within the provisions of Title 3 of the Family Code, to-wit:

[53.04(d)(1)] PARAGRAPH ONE: the said child has engaged in delinquent conduct in that the child violated a penal law of this state punishable by imprisonment, to-wit: Section _____ of the Texas Penal Code when on or about the _____, in the County of _____ and the State of Texas, he did then and there _____.

[Optional if habitual – 53.04(d)(5) – If alleging Habitual Felony Conduct as described in the Texas Family Code, Section 51.031, this paragraph must be included in the petition as required by Section 53.04(d)(5) of the Texas Family Code].

[Optional Paragraph for Habitual Felony Conduct]

Petitioner alleges that the Respondent has engaged in delinquent conduct that constitutes habitual felony conduct in that Respondent has at least two previous final adjudications for having engaged in delinquent conduct violating a penal law of the grade of felony and the second previous final adjudication is for conduct that occurred after the date the first previous adjudication became final, to-wit: that prior to the commission of the primary offense or offenses set out above, the Respondent ___ was finally adjudicated of the felony offenses of ___ in the ___ Court of ___ County, Texas in Cause No. ___ on the ___ day of ___, 19___, and that prior to the commission of the offense or offenses for which the Respondent was adjudicated as set out above, the Respondent ___ was finally adjudicated of the felony offense of ___ in the ___ Court of ___ County, Texas in No. ___ on ___ day of ___, 19___.

Wherefore, your Petitioner prays for such citation and notice as the law requires, and that a hearing be had to determine if the said ___ is a child that has engaged in delinquent conduct.

It is further prayed that upon disposition and after hearing that the child and/or child's parent, guardian or custodian, after being given a reasonable opportunity to be heard, be ordered to pay: (1) [54.041(b)] all restitution assessed in this case, (2) [51.10(i)] attorney fees, (3) [54.0411(a)] court costs, (4) [54.06(a)] a reasonable sum for support if the child is placed outside the home on probation or committed to TYC, (5) [54.061(a)] a probation fee should the child be placed on probation, during the period of probation.

ASSISTANT CRIMINAL DISTRICT ATTORNEY

COUNTY, TEXAS
STATE BAR # _____
DATE: _____

[NOTE: Determinate sentencing offenses and indeterminate sentencing offenses may be included in the same petition.]