

NO. _____

IN THE MATTER

IN THE ___ DISTRICT

OF

COURT OF

___ COUNTY, TEXAS

**ORDER OF PROBATION FOR DETERMINATE
SENTENCING UNDER 53.045**

On this the __ day of __, 20__, came on to be heard for disposition the above numbered and styled cause.

And after due notice had been served on all parties as required by law, came and appeared the petitioner by its District Attorney and announced ready for such hearing. And therefore also came the child, ___ who appeared in person, the child’s attorney, __, and the child’s parent(s) / guardian(s) __, and the child’s guardian ad litem __, also being present; and all parties announced ready for such hearing; and thereupon the Court after hearing the pleadings of all parties and after hearing the evidence and argument of counsel finds:

DISPOSITON FINDINGS

THE COURT FINDS that the Respondent child’s Attorney has had access prior to the hearing to all reports to be considered by the Court for purposes of determining a disposition.

THE COURT FINDS that on __ day of __, 20__, the Respondent Child to-wit: ____ was declared a Child Engaged in Delinquent Conduct.

THE COURT FURTHER FINDS THAT:

1. The Child is in need of rehabilitation;

2. The public is in need of protection;

Optional [3. The Respondent Child is in need of protection;]

Optional [4. The child’s best interest will be served by being placed outside the home;]

Optional [5. All reasonable efforts were made to prevent or eliminate the need for the child’s removal from the home and to make it possible for the child to return to the home.]

Optional [6. The Court specifically finds that the child, in the child’s home cannot be provided the quality of care and level of support and supervision that the child needs to meet the conditions for probation.]

7. The State’s Petition was approved by the __ County Grand Jury pursuant to Section 53.045 of the Juvenile Justice Code.

Numbers 3, 4, 5 & 6 – 54.04(i) – optional language – to be used if appropriate when child is placed outside the child’s home.

The Court further finds that a Disposition should be made.

IT IS THEREFORE ORDERED AND DECREED by the court that the following Disposition Order be entered as a reasonable and lawful ORDER of the Court;

The Respondent Child, __, be and is hereby placed on probation for a period of ____, during which time the Respondent Child shall remain in the physical custody of _____.

Placement Paragraph: Optional: The following language to be used if juvenile is placed on probation outside of home.

Optional Placement Paragraph [The Respondent _____, who has been adjudged a delinquent child herein is hereby placed on Probation for a period of ____, in the custody of the Chief Probation Officer of the ____ County Juvenile Department for placement at ____ under Conditions of Probation attached hereto and incorporated herein and for further placement thereafter at home as determined by the Chief Probation Officer of the ____ County Juvenile Department after a successful discharge authorized by the Director of the ____; said respondent having properly completed the program of the _____. Prior to any subsequent placement at home, the Respondent ____, shall return to the Court on ____ day of ____, 20__, for a Review Hearing to access his/her performance in placement.]

Optional Placement Paragraph [IT IS FURTHER ORDERED AND DECREED that Respondent herein shall not violate any law of this State or any law of a subdivision of this State and shall follow all published rules and regulations of the ____ (placement facility).]

Optional Placement Paragraph [IT IS FURTHER ORDERED that Respondent is continued on probation after discharge from his/her initial placement until the completion of the term of probation ordered by this Court.]

Optional Placement Paragraph [The ____ County Juvenile Department shall be responsible for the child's placement, care and control, and further the Court finds that the child has been removed from the home and the Court approves the removal.]

IT IS FURTHER ORDERED AND DECREED by the Court that the terms and conditions of Probation which are attached hereto and made a part hereof for all purposes be and are hereby entered as reasonable and lawful orders of the Court.

FEES AND COSTS

IT IS THEREFORE ORDERED AND DECREED by the Court that the Respondent and the parent(s) of the child, to-wit: ____ be and are hereby ORDERED to make monthly payments in the amount of \$ ____ per month for a total payment of \$ ____ to ____ County for the following fees and costs:

Restitution fee for a total of \$ __ at \$ ____ per month; and
Probation fees for a total of \$ ____ at \$ ____ per month for ____ months; and
District Clerk – Costs of Court for a total of \$ ____ at \$ ____ per month; and
Attorney's fees for a total of \$ ____ at \$ ____ per month; and
Placement fees for a total, of \$ __ at \$ ____ for __ at __; and
the \$20.00 fee required under Section 54.0411, Juvenile Justice Code.

The Respondent and the parent(s) of Respondent Child are further ORDERED to timely make the said payment to ____ District Clerk at the ____ Juvenile Justice Center, ____ (address), ____ (city), Texas ____ (zip) in person or by mail. The first payment is due and payable to ____, District Clerk on the ____ day of __, 20__, with a like payment being due and payable on the ____ of each and every month thereafter until the total amount due has been paid.

Optional Placement Language

[IT IS FURTHER ORDERED AND DECREED that any payments ordered for placement costs of the Respondent Child will terminate at such time as the Respondent Child is released or removed from the placement facility.]

[IT IS FURTHER ORDERED AND DECREED by the Court that prior orders as to payment of fees and costs be and are hereby continued in full force and effect during Respondent's placement outside the home.]

Any default on any fee ordered herein to be paid may be assigned to an attorney for collection. In addition to being charged with Contempt of Court, the person obligated to pay said fees, will be ordered to pay all attorney's fees which are necessary to collect said fees in the amount of 15% of the arrearage collected or \$100.00 whichever is greater, plus all costs of Court.

COMMUNITY SERVICE RESTITUTION

IT IS FURTHER ORDERED AND DECREED by the Court that the _____ be and is/are hereby ORDERED to perform ___hours of Community Service Restitution on the dates and locations designated by the child's probation officer.

Optional Language

[The Court finds that the child is physically or mentally incapable of participating in community service; participating in community service will be a hardship on the child, or the child's family, or the child has shown good cause that community service should not be required.]

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that _____ now comes under the jurisdiction of said Court and was sentenced to ___ confinement and said sentence was probated for a period of ___ pursuant to 54.04(q), subject to extensions as authorized under such 54.04(q), and possible transfer to appropriate District Court under 54.051 unless discharged prior thereto subject to subsequent and additional proceedings under the provisions made by the statute in such cases, and that the said _____ be and is hereby placed on probation in accordance with Title 3, Texas Family Code, upon the reasonable and lawful terms and conditions as set out in Exhibit "A" attached hereto and made a part hereof for all purposes.

An officer of this Court will furnish the child a copy of this order as a written statement of the child's probation.

RIGHT TO APPEAL

The Court instructed the child and the parents of the right to appeal as required by Section 54.04(h) of the Juvenile Justice Code.

SIGNED THIS _____ DAY OF _____, 20____.

JUDGE PRESIDING