

## Juvenile Law Case Summaries

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***Failure to object to judicial admonition deficiencies at adjudication hearing waives claim on appeal [In re R.J.C.] (02-4-05).***

On September 11, 2002, the San Antonio Court of Appeals held that failure of the defendant to make a timely objection as required by a 1997 amendment to the Family Code to the juvenile court's admonition deficiencies waives the claim on appeal.

02-4-05. In the Matter of R.J.C., UNPUBLISHED, No. 04-01-00686-CV, 2002 WL 31015532, 2002 Tex.App.Lexis \_\_\_\_ (Tex.App.-San Antonio 9/11/02) Texas Juvenile Law (5th Ed. 2000).

Facts: The State of Texas filed an Original Petition against R.J.C. alleging four counts of sexual assault. A jury found that all allegations were true and that R.J.C. was a delinquent child. At the disposition hearing, the court committed R.J.C. to the care, custody, and control of the Texas Youth Commission. On appeal, R.J.C. argues that the trial court committed reversible error when it failed to admonish him in accordance with section 54.03(b) of the Texas Family Code. We hold that because R.J.C. did not object to the trial court's failure to admonish him, he did not preserve his complaint for our review.

Held: Affirmed.

Opinion Text: R.J.C. asserts that the trial court's failure to admonish him in accordance with section 54.03(b) amounted to fundamental error. Section 54.03(b) of the Texas Family Code requires the trial court to give certain admonishments to a juvenile, his parent, guardian, or guardian ad litem at the beginning of an adjudication hearing. See Fam.Code Ann. § 54.03(b) (Vernon Supp.2002). In particular, the court must explain the allegations made against the child; the nature and possible consequences of the proceedings, including the law relating to the admissibility of the record of a juvenile court adjudication in a later criminal proceeding; the child's privilege against self incrimination; the child's right to a trial and to confront witnesses; the child's right to representation by an attorney if he is not already represented; and the child's right to trial by jury. *Id.* These admonishments are to protect juveniles by ensuring they understand the nature of the judicial proceedings against them. *In re J.D.C.*, 917 S.W.2d 385, 386 (Tex.App.-Houston [14th Dist.] 1996, no writ). If a trial court does not admonish the juvenile under section 54.03(b), the juvenile's attorney must object either before testimony begins or, if the adjudication is not contested, before the juvenile pleads to the petition or agrees to a stipulation of evidence. *Id.* § 54.03(i); *In re C.O.S.*, 988 S.W.2d 760, 763-64 (Tex.1999); *In re L.A.S.*, 981 S.W.2d 691, 692 (Tex.App.-Houston [1st Dist.] 1998, no pet.).

Here, R.J.C. insists that the court's failure to admonish him was fundamental error and no objection was necessary to preserve his complaint for appeal. But to advance this argument, R.J.C. incorrectly relies on authority that predates the 1997 amendment to section 54.03. Section 54.03(i), which became effective September 1, 1997, now requires an objection to preserve error for appellate review. *Id.* § 54.03(i). Section 54.03(i) is applicable here because the conduct at issue occurred in February 2001, well after the effective date of the amendment. *Id.* R.J.C. did not object to the trial court's failure to admonish him either at the beginning of the adjudication hearing or later when the court explained the allegations to R.J.C. and accepted his denial. In fact, at that time, the trial court asked R.J.C.'s counsel if there was anything it had not covered or needed to cover and his counsel responded that there was nothing else to address. R.J.C. had at least two opportunities to object to the court's failure to comply with section 54.03(b), but he failed to do so. Accordingly, we hold that R.J.C.'s complaint was not preserved for our review, and we overrule his sole issue on appeal.

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