

**PRACTICAL DISLCOSURE DILEMMAS
AND PROTECTED STATUS JUVENILE RECORDS**

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Nydia D. Thomas has an extensive background in juvenile law and juvenile justice system administration at the state and local levels. She joined the staff of the former Texas Juvenile Probation Commission in 1998 and served as Senior Staff Attorney and Deputy General Counsel. In the newly created Texas Juvenile Justice Department, Nydia is Senior Counsel and directs the Legal Education and Technical Assistance Division which works in collaboration with the Juvenile Justice Training Academy. This program area provides professional training to a broad range of juvenile justice stakeholders to ensure compliance with statutory laws and administrative rules. The division also publishes legislative commentary and statutory implementation guides and other juvenile-law related materials. Nydia has published topical articles on juvenile law and is a contributing editor/author of the state's foremost juvenile justice treatise, Texas Juvenile Law, 8th Edition, by the late University of Texas Professor Robert O. Dawson. She is also a recurring faculty member for the Correctional Management Institute of Texas and the Texas Association of Counties.

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PRACTICAL DISCLOSURE DILEMMAS AND PROTECTED STATUS JUVENILE RECORDS

Chapter 58, Records, Juvenile Justice Information System Texas Family Code Title 3, Juvenile Justice Code

I. INTRODUCTION

The purpose of this article and presentation is to highlight the practical realities confronted by juvenile justice stakeholders and legal practitioners regarding the disclosure, access, and exchange of juvenile records. This paper will focus on the relevant statutory provisions contained in Chapter 58 of the Family Code that govern the interplay between confidentiality and the exceptions that limit the disclosure of unsealed, unrestricted records and other protected status information relating to children with documented contact with the juvenile justice system.

A. Juvenile Delinquency Records in an Era of Diminished Confidentiality. The juvenile justice system in Texas is regulated by an array of statutory laws that mutually reinforce the concept that juvenile cases are different. When a child is alleged to have engaged in delinquent conduct, information relating to arrest, investigative, custodial, referral, adjudication and disposition contact events serve as the creation point for the physical and electronic files and records that are generated and maintained by a range of system practitioners and entities. Prior to the significant legislative changes in 1995, juvenile records were exclusively maintained on a local basis. With the eventual passage of time, the confidential case files that served as the sole documentation of a juvenile's brush with the law would sooner or later gather dust in the back rooms of juvenile probation departments and courthouses around the state. In due course, the local community's memory of an individual's youthful mischief or mayhem would fade as records were discarded or destroyed in accordance local retention practices.

In less than twenty years, the convergence of legal authority and modern technology has resulted in the statewide utilization of the Juvenile Justice Information System (JJIS), the Department of Public Safety's repository database of juvenile summary or "rap sheet" information. Although physical files and electronic juvenile records are maintained at the local level, the JJIS has been one significant factor in the dramatic transformation of juvenile delinquency recordkeeping. [Dawson, et. al., Texas Juvenile Law, 8th Edition, 371]. Although juvenile records are afforded certain protections under the law, the dissemination of information beyond the bounds of the county's jurisdiction has diminished the expectation of true confidentiality in its most unadulterated sense. To that end, it may be necessary for juvenile justice system policymakers and stakeholders to consider whether to sustain statutory fidelity to the underlying philosophy and legislative purpose declarations outlined in Title 3 of Family Code which, among other things, aim "to remove, where appropriate, the taint of criminality from children committing certain unlawful acts." [§51.01, Family Code].

For juveniles with a history of delinquency, the expectation of confidentiality must now be balanced with the onward march of the information age and the far-reaching legal consequences of delinquent conduct. It is likely that these subtle, incremental changes may inevitably undercut the overall rehabilitative objectives and rationale for the maintenance of a separate and distinct juvenile justice system. Ultimately, as the law continues to evolve, the stakes

are higher and many juveniles with a history of delinquent conduct risk the loss of housing, employment opportunities, eligibility for military enlistment as well as occupational licensure or certifications.

B. The Ghosts of Juvenile Adjudications Past. Juvenile justice practitioners around the state of Texas have shared anecdotal stories of the uncertainties confronted by youth who, by all accounts, have benefitted from the rehabilitative efforts of the system. Unfortunately, the ghosts of past delinquencies have come back to haunt countless juveniles and forced them to put college, work or military aspirations on hold while they wrestle to ensure that records have been placed on restricted access or sealed.

An interesting case in the United States Court of Appeals for the 8th Circuit highlights this practical dilemma. The facts of the case are simple. A former juvenile probationer, Joseph Van Zee, enlisted in the army in 2008. Prior to enlistment, Van Zee executed releases to facilitate completion of the standard military background check. The recruiter sent the signed releases to the appropriate entities to obtain law enforcement, probation and court records.

The court services officer for the judicial district court responded that under state law, the juvenile records could not be disclosed. Several days later, the clerk for the county courts disclosed Van Zee's juvenile records. As a result, Van Zee was informed that his enlistment in the military was cancelled. [*Joseph Van Zee v. Marilyn Hanson*. No. 10-1588 (8th Cir., January 18, 2011)].

Thereafter, Van Zee filed a federal civil rights suit under 42 U.S.C. §1983 on the grounds that his "Fourteenth Amendment privacy rights were violated by the chief court services officer (Hanson) who disclosed his juvenile record to the Army." [Martha Zackin & Cynthia Larose, *Job Applicant's Right to Privacy Not Violated by Disclosure of Juvenile Record to Job Recruiter*, 2011(2), Privacy & Security Matters: Mintz Levin, (February 7, 2012) (available at <http://www.privacyandsecuritymatters.com/2011/02/job-applicants-right-to-privacy-not-violated-by-disclosure-of-juvenile-records-to-job-recruiter/>) (Accessed December 1, 2012).

The court opined that in order to amount to a violation of the constitutional right to privacy, the information must be "either a shocking degradation or egregious humiliation" or a "flagrant" breach of confidentiality. [Ibid]. Of particular interest, is the court's discussion regarding whether Van Zee had a legitimate expectation that his juvenile records would not be disclosed to the Army recruiter:

Van Zee claimed a due process property interest in the continued confidentiality of his juvenile records because [state] law prohibits disclosure of juvenile records except in limited circumstances. See *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756 (2005) (explaining that a due process interest is an entitlement "created and...defined by...understandings that stem from an independent source such as state law." (internal quotation omitted). Van Zee cites *Soucie v. County of Monroe*, 736 F. Supp. 33 (W.D.N.Y. 1990), which recognized a privacy right in juvenile records that were protected by state law. *Soucie* acknowledged, however, that the plaintiff's privacy claim "depends upon whether the plaintiff had a reasonable expectation of privacy in the information." *Soucie*, 736 F. Supp. at 36. Van Zee had no such expectation, because unlike the plaintiff in *Soucie*, he requested that his records be disclosed. The court need not determine whether Van Zee had a property interest in the confidentiality of his juvenile records, because he waived any interest he might have had. *Joseph Van Zee v. Marilyn Hanson*, No 10-1588 (8th Cir., January 18, 2011.)

Since Van Zee executed a signed release and disclosed the existence of his juvenile history to the military recruiter, the court determined that he had no reasonable expectation of privacy. The case was, therefore, dismissed. Although *Van Zee* is a federal case that originated in South Dakota, it is instructive here in Texas because it highlights the legal dilemma confronted on a daily basis by probation and court personnel regarding compliance with statutory mandates, the potential consequences of unauthorized disclosure of information and the corresponding predicament faced by juvenile probationers regarding the revelation of delinquency history that is ostensibly protected under Chapter 58 of the Family Code and other applicable statutes.

II. JUVENILE JUSTICE CODE AND CONFIDENTIALITY.

In its broadest sense, “confidentiality” has been defined as a right of privacy or other legal restriction on the disclosure of identifying information pertaining to an individual. The concept also relates to the corresponding ethical and legal obligations of a record holder to release information to a third party only as authorized by the subject of the information or in accordance with applicable laws and policies. The statutory laws relating to the creation, procedures and the controls associated with the release of juvenile records in Texas are contained in Chapter 58 of the Texas Family Code. There are a number of specific statutory provisions in the Family Code that collectively restate the intent of the Texas Legislature that juvenile records are confidential and that outline the applicable disclosure exceptions. Historically, the prevailing interpretation regarding the disclosure of juvenile records has been that juvenile records are confidential and shall not be released unless a specific statutory exception confers a special right of access to the recipient or authorizes the record holder to release the information.

A. Texas Juvenile Confidentiality Statutes. The key confidentiality provisions in Chapter 58 of the Family Code are:

1. **§58.005, Family Code**
Records Maintained for Diagnosis, Examination, Evaluation, and Treatment. Family Code Section 58.005 makes confidential records and files concerning a child, including personally identifiable information and information obtained for the purpose of diagnosis examination, evaluation, or treatment or for making referral for treatment of a child by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court. This provision also outlines specific confidentiality exceptions.
2. **§58.007, Family Code**
Inspection of Physical Records or Files. Family Code Section 58.007 applies to the inspection and maintenance of confidential physical files and records or files concerning a child and the storage of information, by electronic means or otherwise, concerning the child from which physical records or file could be generated and does not affect the collection, dissemination, or maintenance of information provided in the JJIS. This provision also clarifies that motor vehicle and sex offender registration records are public.
3. **§58.00711, Family Code**
Confidential Records Relating to Children Convicted of Fine-only Misdemeanors. Family Code Section 58.00711 makes confidential, with certain exceptions, all records and files relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense. Also see Article 45.0217, Code of Criminal Procedure.
4. **§58.106, Family Code**
Juvenile Justice Information System. Section 58.106 makes confidential arrest, adjudication and

disposition information contained in the juvenile justice information system (JJIS), the statewide computerized repository database maintained by the Department of Public Safety. This provision also delineates access and disclosure.

5. **§261.201, Family Code**

Confidentiality and Disclosure of Information. Section 261.201 makes a report of alleged or suspected abuse or neglect and the identity of the person making the report confidential. The report is not subject to public release under the Public Information Act and the provision also authorizes certain disclosures for purposes consistent with the Family Code and applicable federal or state law or the investigative agency's administrative rules. In this framework, this section is applicable to investigations in juvenile justice programs and facilities under §261.405, Family Code which governs facilities and programs operated by a juvenile board, by another governmental unit or a private vendor under contract with the juvenile board, county, or other governmental unit that serves juveniles under the jurisdiction of the juvenile court. In contrast, Subsections 261.201 (i) and (k), Family Code, permit certain limited disclosures relating to the investigative reports of the Texas Juvenile Justice Department (State Institutions).

6. **§58.307, Family Code**

Confidentiality of Information. Section 58.307 makes local juvenile justice information system (LJIS) information confidential and permits disclosure to partner agencies. The LJIS information is not public and may not be released to the public, except as authorized by law.

7. **§58.353, Family Code**

Confidentiality. Section 58.353 requires counties with a population of 600,000 or more to post reports on the county's Internet website regarding the total number of children committed to the Texas Juvenile Justice Department (State Institutions). This provision clarifies that a record posted on a county Internet website may not include any information that personally identifies a child.

B. How are Criminal and Juvenile Records Different? A comparative analysis of the status of criminal and juvenile records reveals that adult criminal records are generally open and available to the public. [§411.135(a)(2) Government Code]. The public does not, however, have access to prosecutorial and law enforcement records of adult offenders. [§552.108, Government Code].

In contrast, juvenile delinquency records, which include clerk of court, trial and adjudication, prosecution, juvenile justice information system database, and justice and municipal court [§58.00711, Family Code] are considered confidential and are, with a few limited exceptions, unavailable to the public. For example, information pertaining to a juvenile who has been adjudicated under Title III for a registerable sex offense would be considered public [Art. 62.051, Code of Criminal Procedure] unless the juvenile court has exempted registration or ordered a non-public registration. [Art. 62.352, Code of Criminal Procedure].

C. What are Protected Status Juvenile Records? Throughout the country, state and federal statutes are relatively consistent regarding the confidential nature of juvenile records. As an added measure of confidentiality, Texas law assigns a special "protected status" with regard to juvenile records in order to prevent or limit unauthorized information disclosures at certain procedural stages or after the child exits the system. Sealing of records [§58.003, Family Code], automatic restriction of access [§58.203, Family Code] and destruction [§58.006, Family Code], and the spring cleaning destruction provisions [§58.0071, Family Code] are the principle procedural mechanisms available under Title III of the Family Code. In many respects, when a court or juvenile justice agency complies with the time periods set forth in the retention schedules applicable to juvenile records under Local Schedules PS, DC and LC [13 Texas Administrative Code, §7.125], the permanent destruction of records provides

the highest protected status regardless of the form or media (e.g., electronic indexes, paper, etc.).

A juvenile record may be placed on protected status in one of the following ways: 1) by court order [§58.003 and §58.006, Family Code]; 2) by operation of law [§58.203, Family Code]; or 3) pursuant to specific statutory or administrative authority. [§§58.005 and 58.007, Family Code] A juvenile offender's eligibility to have delinquency records placed on protected status is based upon age, the nature of the offense, subsequent criminal history or other statutory criteria. Although not within the scope of this paper, the provisions outlined in the Article 45 of the Code of Criminal Procedure and related applicable laws confer protected status after the expunction of conviction records of juvenile-aged children in the justice and municipal courts (now confidential under §58.0071, Family Code).

III. THE PROLIFERATION OF JUVENILE INFORMATION: SYSTEM CREATION POINTS.

The growth of the juvenile justice system and the expansion of technology have resulted in the proliferation of juvenile information at the local, state and federal levels. In addition, the number of persons and agencies with access to confidential identifying information and delinquency history has increased exponentially. Various statutes, administrative rules, and policies additionally mandate data submission to a variety of state-level entities at certain key system contact and disposition points.

A creation point or contact event occurs in the juvenile justice system upon the referral of a child or a child's case to the office or official designated by the juvenile board to process children within the juvenile justice system. [§51.02(12), Family Code]. Juvenile records are transmitted to the Juvenile Justice Information System (JJIS) statewide repository database when a child, as defined in Section 51.02, Family Code is arrested, taken into custody, detained or charged with delinquent conduct that is classified as a Class B misdemeanor or higher. [§58.104, Family Code]. Triggering contact events may occur at certain stages throughout juvenile proceedings such as custody, referral, detention, prosecution, disposition and release and result in the creation of physical and electronic files. Other records may be entered into electronic statewide repositories, databases and registries that contain segregated adult and juvenile information. [§58.110, Family Code].

Section 58.104, Family Code outlines the types of information collected regarding each juvenile offender taken into custody, detained, or referred for delinquent conduct required to be reported to JJIS by juvenile justice entities, including, but not limited to:

- the juvenile offender's name and other names by which the juvenile offender is known;
- the juvenile offender's date and place of birth;
- the juvenile offender's physical description including sex, weight, height, race and ethnicity...;
- the juvenile offender's fingerprints;
- the juvenile offender's last known address;
- the conduct for which the juvenile offender was taken into custody, detained, or referred including the level and degree of the alleged offense;
- the name and indentifying number of the juvenile intake agency, juvenile probation, prosecutor's office; and
- information relating to the disposition of the case.

A. Physical and Electronic Files. The physical files and records generated as a result of a juvenile contact event include forms, petitions, pleadings, court documents, probation files, custodial logs, treatment documents, incident and offense reports and fingerprint cards. Electronically stored files are contained in a variety of media such as computer databases, computer disks, microfilm, microfiche and any electronic indexes. Notwithstanding the type of storage medium, a physical file or other juvenile record may be generated from an electronic document or index. [Section 58.0071, Family Code].

B. Typical Holders of Juvenile Records. Juvenile information is collected and maintained by a range of persons, agencies and system practitioners. The following entities are typical holders of juvenile information and each practitioner or entity has a distinct statutory obligation to adhere to the limits of confidentiality set forth throughout Chapter 58 of the Family Code:

- Juvenile Probation Department
- Court Clerk
- Prosecutor (county or district attorney)
- Local Law Enforcement Agencies
- Department of Public Safety (JJIS)
- Local Juvenile Information Systems
- Juvenile Case Management System (JCMS)
- Federal Bureau of Investigations (FBI)
- Agency Providing Care or Custody Under Arrangement or Court Order
- Criminal Justice Agency [§411.082, Government Code]

C. Electronic Databases. In addition to the Juvenile Justice Information System (JJIS), the Department of Public Safety maintains other electronic statewide repositories that contain juvenile information such as the DNA database [§411.0148, Government Code]; sex offender registry [§62.352 Code of Criminal Procedure]; and gang records database [§61.02 Code of Criminal Procedure]. In addition, the Texas Juvenile Justice Department (i.e., the former Texas Juvenile Probation Commission) launched the Juvenile Case Management System (JCMS), a statewide case management and data system authorized under Chapter 58, Subchapter D, Family Code to facilitate the collection of statistical and research data needed at the state level as well as the electronic case management information needed by local juvenile probation departments to provide juvenile services at the local level. Similarly, Chapter 58, Subchapter D authorizes Dallas County to operate a local metropolitan and regional juvenile justice information system. Access to the confidential information contained in the local juvenile information system is authorized under §58.306, Family Code and information is exchanged among partner agencies and entities such as schools, law enforcement, justice and municipal courts, prosecutors, juvenile courts and probation departments. [§58.305, Family Code].

Juvenile Justice Information System. Section 58.106 governs the access, dissemination and disclosure of records maintained in the statewide juvenile information repository database. Information maintained in the Juvenile

Justice Information System (JJIS) is confidential and is not open to public inspection and may not be disseminated by the Department of Public Safety except:

- with permission of the juvenile offender, to military personnel of this state [i.e., the Texas National Guard] or the United States [i.e., the branches of the U.S. armed forces];
- to a person or entity to which DPS may grant access to adult criminal records as provided by Section 411.083, Government Code;
- to a juvenile justice agency [as defined in §58.101(5)];
- to the [Texas Juvenile Justice Department] for analytical purposes;
- the Office of the Independent Ombudsman of the [Texas Juvenile Justice Department]; and
- to a county, justice, or municipal court exercising [truancy] jurisdiction under §54.021, Family Code.

Status of JJIS Information After Dissemination. In 2011, Subsection (a-1) was added to clarify that information released under the authority of Section 58.106 remains confidential after dissemination and may be disclosed by the recipient only as authorized under Title III of the Family Code.

Status of Juvenile Sex Offender Information. Juvenile sex offender registration is public information and may be included on the Department of Public Safety's website. [§62.005, Code of Criminal Procedure] Sex offender registration is authorized for ten years after the child has exited the juvenile justice system under the provisions of Article 62, Code of Criminal Procedure. Sex offender registration is not affected by the destruction or sealing provisions in Chapter 58 of the Family Code, so long as the duty to register continues. [§58.003, Family Code]; [§42.016, Code of Criminal Procedure]. Article 62.251 specifies that the removal of sex offender registration information is not automatic. Once the duty to register has expired, the Department of Public Safety must remove information from the registry.

Status of Gang Information. Article 61.02 of the Code of Criminal Procedure provides the statutory authority for the creation of the Criminal Combination and Criminal Street Gang Intelligence Database, (i.e. TXGANG). The related provisions require a criminal justice agency or a juvenile justice agency to compile criminal information into an intelligence database for the purpose of investigating or prosecuting the criminal activities of criminal combinations or criminal street gangs. The information contained in the state gang database is not public and may only be released to another criminal justice agency, the courts or pursuant to a criminal defendant pursuant to certain discovery provisions.

The court may allow a criminal justice agency to release information to an attorney to use in the child's defense in a Title III proceeding, if the information is material to court proceedings and not otherwise privileged by law. [§61.04, Code of Criminal Procedure]. A child's parent or guardian may request a review of the information contained in the gang database that is believed to be inaccurate or that does not comply with the gang submission criteria. [§61.08, Code of Criminal Procedure]. The information contained in the database must be removed if the child has not been taken into custody or arrested within a two-year period and is not in TJJD or TDJC. In addition,

Article 61.04 (d) authorizes a law enforcement agency to adopt a policy to notify the parent or guardian of a child of its observations relating to the child’s association with a criminal street gang.

Department of Public Safety Website Information. The following websites provide descriptive information regarding databases such as JJIS, the Sex Offender Registry, Statewide CODIS DNA Database, and TXGang that contain segregated juvenile and adult information maintained by the Department of Public Safety:

- **JJIS and CJIS (Overview)**
http://www.txdps.state.tx.us/administration/crime_records/pages/cjisJJISInfo.htm
- **Texas Public Sex Offender Registry (Database)**
<https://records.txdps.state.tx.us/SexOffender/index.aspx>
- **Statewide CODIS DNA Database Program (Overview)**
<http://www.txdps.state.tx.us/CrimeLaboratory/CODIS/index.htm>
- **Texas Gang Intelligence Index -- TX DPS TXGANG (Overview)**
<http://www.txdps.state.tx.us/tgangs/>

IV. EXCEPTIONS TO CONFIDENTIALITY: AUTHORIZED ACCESS, DISCLOSURE AND DISSEMINATION OF JUVENILE RECORDS.

Chapter 58 of the Family Code sets forth specific exceptions to the general statutory concept that juvenile records are confidential. Specifically, Sections 58.005 and 58.007 describe the basic exceptions to confidentiality authorized under Title III. Section 58.005, however, does not apply to information collected in the Juvenile Justice Information System or for Internet reporting purposes under Subchapter D-1. The various code provisions ensure the “confidential status” of the records generated at every stage of juvenile proceedings. Protected status, on the other hand, provides an added level of confidentiality that is derived procedurally or by operation of law. The key statutory exceptions to confidentiality are contained in the Family Code and scattered throughout other applicable codes.

- Statutory authorization under the Family Code;
- Interagency sharing; [§§58.0051 and 58.0052, Family Code]
- School communication; [Art.15.27, Code of Criminal Procedure]
- Permission of juvenile court; [§§58.005 and 58.007, Family Code]
- Dissemination to criminal justice and non-criminal justice agencies; [Ch. 411, Government Code] and
- Sex offender registration. [Art. 62, Code of Criminal Procedure]

A. Unsealed, Unrestricted Records. A number of provisions in Chapter 58, Family Code govern the exchange of unsealed, unrestricted records between agencies and entities in order to facilitate the administration of programs, services and treatment in the juvenile justice system at each stage of juvenile proceedings: 1) when the juvenile is under the jurisdiction of the juvenile court; 2) after the subject of the records exits the system; or 3) until the records have been sealed by court order or automatically placed on restricted access. Unsealed records and records that are not subject to restricted access are confidential but do not rise to the level of protected status records.

1. Statutory Authorization: Diagnosis, Evaluation and Treatment, Section 58.005, Family Code. Section 58.005 (a), Family Code relates to records and files concerning a child, including personally identifiable information and information, obtained for the purpose of diagnosis, examination, evaluation, or treatment or for making a treatment referral of a child by a public or private agency or institution providing supervision by arrangement of the juvenile court or having custody of the child under order of the juvenile court. Records maintained under this provision may be disclosed only to:

- the professional staff or consultants of the agency or institution; [Section 58.005(a)(1)]
- the judge, probation officers, and professional staff or consultants of the juvenile court; [Section 58.005(a)(2)]
- an attorney for the child; [Section 58.005(a)(3)]
- a governmental agency, if the disclosure is required or authorized by law; [Section 58.005(a)(4)]
- a person or entity to whom the child is referred for treatment or services, if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information; [Section 58.005(a)(5)]
- the Texas Department of Criminal Justice and the [Texas Juvenile Justice Department] for the purpose of maintaining statistical records of recidivism and for diagnosis and classification; [Section 58.005(a)(6)] or
- with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court. [Section 58.005(a)(7)].

2. Statutory Authorization: Physical Files and Records, Section 58.007, Family Code. Section 58.007 governs the inspection of the physical files and records maintained by juvenile court, clerk of court, juvenile probation department, or a prosecuting attorney. The records maintained by the juvenile court, clerk of court, juvenile probation department, or prosecuting attorney relate to a child who is a party to a proceeding under Title 3, Family Code and may be inspected only by:

- the judge, probation officers, and professional staff or consultants of the juvenile court;
- a juvenile justice agency [with custody or control over juvenile offenders];
- an attorney for a party to the proceeding;
- a public or private agency or institution providing supervision of the child by arrangement of the juvenile court or having custody of the child under juvenile court order; or
- with leave of the juvenile court, anyone having a legitimate interest in the proceedings or work of the court.

B. Access by the Subject of the Records. Clerks of court and juvenile probation departments often receive letters and emails from former juvenile probationers with a history of delinquent conduct, deferred adjudication and other documented system contacts. In most instances, the subject of the records may need the information for a variety of purposes and has attempted to contact one or more juvenile justice agencies seeking direction on how to avoid the

collateral consequences of delinquent conduct.

Ironically, the statutory provisions contained in Sections 58.007 and 58.005 do not specifically authorize the disclosure of physical files and records or other information maintained for examination, diagnosis or treatment to the individual who is the subject of the records. Under Chapter 58, the individual must obtain access to juvenile records through legal counsel under §58.005 (a)(4) (i.e., an attorney for the child) or under §58.007(b)(3) (i.e., an attorney for a party to the proceedings). During proceedings, this information can be obtained readily from legal counsel. Years later, however, the former juvenile probationer's efforts to make contact with court-appointed counsel in order to limit disclosure of delinquency history or to obtain needed information may prove difficult.

Special Right of Access under the Public Information Act. A juvenile or an authorized representative may seek access to juvenile files and records maintained by the juvenile probation department under Chapter 552 of the Government Code, the Public Information Act (Act). Section 552.023 confers a special right of access, beyond the right of the general public, to information held by a governmental body that would otherwise be protected from public disclosure. Since most juvenile records are deemed confidential by law (constitutional, statute or judicial decision) and are excepted from public disclosure under Section 552.101, requests, including requests made from the subject of the records, must be submitted to the Attorney General for a ruling request. [Dawson 8th, 392] Disclosure cannot be denied to a person who is the subject of the records on the grounds that the "information is considered confidential by privacy principles" but the governmental body may assert other possible grounds. [§552.0023(b), Government Code].

C. Statutory Authorization: Access by Parents, Guardians or Other Eligible Persons. Chapter 61 of the Family Code grants the child's parents the right to be informed of the proceedings including information on the details and facts accompanying the child's referral to juvenile court. [§61.102, Family Code]. Although Title III of the Family Code acknowledges their critical role in the juvenile justice system, parents are not among the persons or entities that have access to the physical files and records under Sections 58.005 and 58.007. Parents may attempt to establish a legitimate interest in the child's juvenile proceedings in order to obtain records or other information by means of the leave of court provisions contained in Sections 58.005(a)(5) and 58.007(b)(5).

Access to Law Enforcement Records. Section 58.007(e) was amended in 2007 to authorize "the child and the child's parent or guardian" to inspect or copy law enforcement records. The custodian of records for the law enforcement agency must, prior to making the information available, redact any personally identifiable information about any other juvenile suspect, offender, victim or witness referenced in the records and any other information that is excepted from disclosure under the Public Information Act or other law. Section 58.007(e) also describes other entities authorized to inspect or copy law enforcement records including:

- a juvenile justice agency with custody or control
- a criminal justice agency, as defined in Section 411.082, Government Code; and
- the child and the child's parent or guardian

Access to Confidential ANE Case Records. The Texas Juvenile Justice Administrative Code rules describe the process for obtaining case records or other information relating to a child who has been the victim or subject of an abuse, neglect or exploitation (ANE) investigation in a juvenile justice facility or program described under Section 261.405, Family Code. Title 37 Texas Administrative Code Section 349.520 requires the Texas Juvenile Justice Department (TJJD) to release, upon written request, the redacted case records or related information to the parent or other legal guardian of the alleged/designated victim. The Department may, within its discretion, release case records or information contained therein to a minor child who is the subject of the records if the release has been deemed to be in the best interest of the child. [37 TAC §349.520(c)]. The administrative rules also contain a list of other persons and entities to whom access to ANE information may be permitted (within TJJD’s discretion).

It is important to note that a parent or legal representative on behalf of a parent may be entitled to obtain this information under the agency’s administrative rules rather than the Public Information Act (unless specifically authorized). Case records for abuse, neglect and exploitation for youth in community-based settings are considered confidential under the Chapters 58 and 261 of the Family Code. As such, the agency would be required process a ruling decision from the Office of the Attorney General. A request made under the agency administrative rules would be the most efficient and timely method to obtain ANE case record information.

Access to TJJD State Institution Investigative Reports and Treatment Information. Family Code Section 261.201(i) authorizes the release of a report of alleged or suspected abuse or neglect if the report relates an incident involving a child during a period of commitment in a Texas Juvenile Justice Department state institution. Subdivision ((i)(2) clarifies that a report released under this provision is not prohibited under the Public Information Act. Related subsection (j) requires the TJJD to edit the report to protect the identity of the child who is the subject of the report, the reporter, and any other person whose life or safety may be endangered by the disclosure.

Section 244.003 of the Human Resources Code makes confidential the written records of examinations and conclusions based on them and all orders concerning the disposition or treatment of youth who have been committed to the Texas Juvenile Justice Department (State Institutions). Other than a youth who has escaped from a TJJD state institution, the records and all other information concerning a child, including personally identifiable information, are not public and are available only as authorized under Sections 58.005, Family Code; Section 244.051; Human Resources Code and Chapter 61, Code of Criminal Procedure.

D. Statutory Authorization: Interagency Sharing of Records, §§58.0051 and 58.0052, Family Code. In 2011, the legislature amended the Section 58.0051 and added Section 58.0052 to expand the authority of certain governmental agencies to overcome the barriers to the exchange of information needed to coordinate programs and services for multi-system youth [§58.0052(a)(2), Family Code] who are under the care of a child-serving agency, in the juvenile justice system or school setting. Section 58.0051(a) permits a range of “juvenile service providers” to disclose education records, personal health information, history of governmental services, including the multi-system youth’s: 1) identity, 2) medical records, 3) assessment results, 4) special needs, 5) program placements, and 6) psychological diagnoses.

1. Educational Records. Section 58.0051(b) authorizes a juvenile service provider, defined as a “governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile,” to obtain, upon request to an independent school district (ISD) or charter school, confidential information contained in the student’s educational records if the student has been:

- (1) taken into custody under Family Code Section 52.01; or
- (2) referred to a juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision.

Section 58.0051(e) specifies that a juvenile service provider that receives the information shall “certify in writing that juvenile service provider receiving the confidential information has agreed not to disclose the information to a third party, other than another juvenile service provider.” The information obtained under this section must be used only to verify the identity of the student involved in the juvenile justice system and to provide delinquency prevention or treatment services to the student. [§58.0051(e)(1) and (2), Family Code.] Subsection (g) provides that the confidential status of the information exchanged is not affected. In addition, the juvenile service provider may share the information with a third party as directed by a court order or as otherwise authorized by law. Subsection (g) also clarifies that personally identifiable information disclosed to a juvenile service provided is not subject to disclosure to a third party under the [Public information Act]. The statute also requires the school to maintain documentation of the disclosure for up to seven years.

2. Non-Educational Records. Subsection 58.0052 applies to multi-system youth under 19 who have received services from two or more juvenile service providers. Since a school is considered a juvenile service provider, a child who is in the juvenile justice system and enrolled in school falls within the statutory definition of a multi-system youth. Under this provision, the information may be exchanged between juvenile service providers, only for the purposes of identifying a multi-system youth, coordinating and monitoring care for the youth, and improving the quality of juvenile services provided to the youth. The shared information retains its confidential status and the juvenile service provider that receives the information may only share it with a third party as directed by a court order or as otherwise authorized by law. The shared information is not subject to disclosure under the Public Information Act.

3. Statutory Authorization: Communicating Information to Schools under Article 15.27, Code of Criminal Procedure. Article 15.27, Code of Criminal Procedure is an exception to the confidentiality of juvenile records. This provision obligates law enforcement, the prosecutor’s office, and the juvenile probation department to notify (within the specified statutory timeframes) the school when a student has been taken into custody, adjudicated or changes school while on probation or parole. The notification must be provided when the underlying offense is a felony or a misdemeanor specified in Article 15.27, Code of Criminal Procedure.

E. Permission of the Juvenile Court: Court Order Issued by the Juvenile Court. Sections 58.005(a)(7) and 58.007(b)(5) authorize the disclosure of juvenile information to any person, agency or institution that demonstrates a

“legitimate interest” in the proceedings or work of the court. Leave of court is obtained by presenting a request or motion. As such, the court has an opportunity to consider the nature of the information requested; the scope of the release; and whether the requesting party can establish a legitimate basis upon which the information should be disclosed. Thereafter, the juvenile court may, at its discretion, enter a court order to grant permission and authorize the release of the records or information. See Sample Forms - Motion and Order to Release Juvenile Records.

F. Permission of the Juvenile Court: Release of Information Under Juvenile Board Guidelines. Section 58.007(i) authorizes the local juvenile board to adopt guidelines that permit the juvenile probation department to release confidential juvenile records without an individualized juvenile court order. [Dawson 8th, 387] Historically, the juvenile board guidelines provisions have been utilized to authorize release of routine or repetitive information. For example, some juvenile boards established guidelines for the release of juvenile summary information to the military. See Sample Forms, Juvenile Board Guidelines Resolution.

V. PROTECTED STATUS MECHANISMS: SEALING AND RESTRICTED ACCESS.

The protected status afforded to juvenile records under sealing and automatic restriction of access establish tighter legal controls on the disclosure, access to, and dissemination of otherwise confidential juvenile information. Clearly, the permanent destruction of physical records and computer entries permitted by court order under Section 58.006 of the Family Code eliminates or purges information as if the delinquent conduct did not occur. Of the remaining mechanisms, sealing provides comparatively the most significant limits on subsequent disclosure under state law and thereby elevates the benefits to the juvenile offender. Generally, the process of sealing requires a court motion or application by an attorney on behalf of subject of the records. In addition, the juvenile court is mandated or otherwise has discretion to grant an order permitting the records to be sealed if the applicant meets certain statutory eligibility criteria. [§58.003, Family Code]. In 2009, new provisions were added to authorize sealing upon completion of a drug court program [§58.003 (c-1) and (c-2), Family Code] and again in 2011 to authorize the juvenile court seal the records relating to CINS prostitution and sexting. [§58.003 (c-3) and (c-4), Family Code].

Records placed on automatic restriction of access are not destroyed or sealed, but remain in place. [Dawson 8th, 420] Procedurally, the primary benefit of restricted access is that juvenile records are protected by operation of law. The restricted access statutes preserve the authority to disseminate information to criminal justice agencies for a criminal justice purpose. [§§58.001(b)(1) and 58.207(b)(1), Family Code]; {§411.082, Government Code}. The key procedural mechanisms under Title 3 of the Family Code that provide an additional measure of protection beyond the confidential status of juvenile records are:

- Sealing [§58.003, Family Code]
- Restricted Access [§58.203, Family Code]
- Expunction [Arts. 45 and 55, Code of Criminal Procedure]
- Destruction [§ 58.006, Family Code]
- Spring Cleaning Destruction [§58.0071, Family Code]
- Records Retention Schedule [PS, LC, DC Local Schedule]

Subsequent Access and Use in the Penalty Phase of Criminal Proceedings. Section 58.007(g) of the Family Code authorizes a prosecuting attorney in an adult criminal proceeding to obtain a juvenile's adjudication record for purposes of admission in the penalty phase of a criminal trial under Section 3(a), Article 37.07, Code of Criminal Procedure. The "juvenile court adjudication record" generally refers to the record of adjudication and not the entire record of the juvenile respondent. The relevant passage in Texas Juvenile Law, 8th Edition states that "only the...judgment of adjudication or adjudication and disposition is admissible in the penalty phase." If a court receives a request from a prosecuting attorney under this subsection, the court shall, if the court possesses the requested record of adjudication, certify and provide the prosecuting attorney with a copy of the record.

Similarly, juvenile probation personnel who have received a subpoena to produce records and/or testify in criminal proceedings regarding a juvenile adjudication should consult with the local county attorney on how best to comply with the subpoena. In light of disclosure limitations under Sections 58.007(g) and 58.007(b)(5), it will likely be necessary for the county attorney to provide guidance on how to handle the court appearance and whether other procedural steps, such as filing a Motion to Quash or obtaining a juvenile court order, are appropriate.

Subsequent Access for a Motion to Destroy or Seal. Upon a motion of the subject of the records or on the court's own motion, the court may order the destruction of records that have been sealed if: 1) the records relate to conduct that was not a felony or a misdemeanor punishable by confinement in jail; 2) five years have elapsed since the person's 16th birthday; and 3) the person has not been convicted of a felony. [Section §58.003(l), Family Code].

Subsequent Access: Reopening Sealed Records. Sealing is the court-ordered closure of juvenile records for protection and safekeeping. Sealed records may only be reopened in only a few limited circumstances. Section 58.003, Family Code sets forth the circumstances under which a sealed record can be re-opened. Specifically,

- The subject of the records may petition to inspect sealed records [§58.003(h), Family Code]
- The prosecuting attorney may petition to have records of a felony adjudication reopened for purposes of punishment enhancement under Penal Code §12.42 (a) – (c) and (e), related to penalties for repeat and habitual offenders; [§58.003(k), Family Code]
- The Department of Public Safety may request to reopen to inspect sealed records an applicant for a license to carry a concealed handgun [§58.003(m), Family Code]

Subsequent Access: Restricted Access. An individual whose records have been placed on restricted access is entitled to obtain his or her records for the purpose of preparing and presenting a motion to destroy or seal records. [Section §58.210(c), Family Code].

Requests for Sealed or Restricted Records: Records Do Not Exist. The Family Code provides clear guidance as to the appropriate response to inquiries about former juvenile probationers and the other legal obligations of the juvenile probation department or other holders of records in the juvenile justice system. Juvenile justice practitioners have expressed significant concerns regarding the statutory response "records do not exist" when the records have been sealed under §58.003(g)(4), Family Code or placed under

restricted access §58.204(a)(2), Family Code. Some have contended that the “no records exists’ answer may be inconsistent with the self-disclosed delinquency history or other information available to employers and licensing/non-criminal justice agencies authorized under the Government Code. The quandary for the juvenile offender is that a legally accurate response on an employment application may be considered a misrepresentation by an employer who is unaware of the law pertaining to protected status records.

Destruction Orders. The Family Code contains provisions that result in the permanent destruction of physical records and files, including computer entries. Specifically, the key “automatic” destruction provisions include: 1) Section 58.001 of the Family Code, which requires law enforcement to destroy all juvenile information unless a referral is made within ten (10) days after the child has been taken into custody; 2) Section 58.006, Family Code which requires the court to order destruction if there is a determination of no probable cause or the case is not referred for prosecutorial review; and 3) Section 58.003(l) upon the motion of the of the subject of the records who meets certain eligibility criteria.

Spring Cleaning and Destruction of Records. The “spring cleaning” destruction provisions contained in Section 58.0071, Family Code outline the formalized process and times frames for authorizing the permanent destruction of closed cases and/or destruction of physical records or after duplication into electronic storage media.

Juvenile Records Retention Schedules. In addition to the destruction and spring cleaning provisions, the Texas State Library and Archives Commission has adopted retention periods under Local Schedules PS (applicable to public safety agencies); LC (applicable to justice and municipal courts and DC (applicable to District Clerks. Local Schedule PS, Section 2-5, Juvenile Records provides descriptive information on the records number, title description and retention period for files and records maintained by juvenile justice entities. It is important to note that the retention schedule should be read in conjunction with the statutory time frames set forth in Section 58.0071, Family Code. See the Texas State Library and Archives Commission. Additional retention schedules are available on the State Library website at <https://www.tsl.state.tx.us/slrmlgschedules/index.html>.

Explanations Required by Law. When a juvenile is initially placed on probation or committed to the Texas Juvenile Justice Department, juvenile probation officers or officials are required to provide an explanation to the child about the juvenile justice system and the impact of having a history of delinquent conduct. Section 58.003(i), Family Code requires the child to be given, on discharge or the last official action, a written explanation of the right to sealing. Similarly, regarding restricted access notifications under Section 58.209, Family Code, the juvenile probation officer or Texas Juvenile Justice Department official is required to explain the types of officials and entities that may have information about the person’s delinquent conduct and contacts points in the juvenile justice system. The statute also requires in addition to the oral explanation, that the youth be provided on discharge with written materials, such as the informational brochure, *Texas Juvenile Justice System Files and Records: A Juvenile’s Guide to Understanding Automatic Restriction of Access* (TJPC/TJJD, 2011) and a copy of the statutory text of Chapter 58, Subchapter C, Family Code. [§58.208, Family Code]. The information brochure is available on the TJJD website. The juvenile probation department may also develop other informational resources to comply with this provision.

Juvenile Justice System Training and/or Continuing Legal Education. Juvenile justice system stakeholders, such as probation departments, court clerks, defense counsel and prosecuting attorneys should examine the areas for further training and professional development on the topic of juvenile records, including:

- Verification of eligibility for sealing and restricted access;
- Development and review of juvenile records pleadings and court documents;
- Notation and processing of paper and electronic records;
- Identifying a criminal justice agency;
- Identifying a criminal justice purpose;
- Identifying juvenile service providers and multi-system youth;
- Responding to requests for information after sealing and restricted access;
- Issuing and Responding to Records Subpoenas
- Obligations and pitfalls of the explanations regarding protected status records required by law;
- Disclosures to the person who is the subject of the record; and
- Disclosures to state licensing entities.

Useful Resource Information. The information contained in this article provides an overview of statutory provisions relating to the disclosure of juvenile records and information. It is intended to assist juvenile justice practitioners, attorneys and others in the development of practice guidelines and policies on this issue. Sample pleadings and resources documents have been provided as in Appendix A of this paper. This information has been provided as an educational service to assist local juvenile probation departments, attorneys, prosecutors and judges in establishing local policies and practices procedures to address the requirements under state law. The pleadings and motions under the sealing provisions have been prepared by the Juvenile Law Section Forms Committee. Motions and pleading documents were also contributed by Stacey Brownlee of Gregg County. It is recommended that other sample orders, applicable to juvenile justice agencies should be reviewed by the local juvenile court prosecutor for legal sufficiency and adapted to county practices and drafting preferences.

Forms

- Motion for Sealing and Sealing Order - Juvenile Law Section Forms
- Order of Restricted Access
- Motion and Order to Release Juvenile Records (*Gregg County*)
- Resolution to Release Records Under Juvenile Board Guidelines

Records Retention Schedule

- 2011 Texas State Library Retention Schedules PS, LC and DC (August 14, 2011).

APPENDIX

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____ COUNTY, TEXAS

APPLICATION FOR SEALING FILES AND RECORDS (Felony)

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, _____, by and through his attorney of record and files this his Petition for Sealing Files and Records pursuant to Section 58.003 of the Texas Family Code would respectfully show the court as follows:

I.

Applicant has the following identifying information:

Name:

D.O.B.

Sex:

Race:

SSN:

TDL:

Address:

Offense:

Date of Offense:

Location of Offense:

Cause No. of Juvenile File:

Court and County Petition Filed:

II.

(Facts of the Case)

Applicant was charged with the felony offense(s) of _____. He was not transferred to a criminal court for prosecution pursuant to Section 54.02 of the Texas Family Code. He was placed on juvenile probation for a period of _____ months on (date). He successfully completed probation on _____. Applicant did not receive a determinate sentence for engaging in delinquent conduct that violated a penal law listed in Section 53.045 of the Texas Family Code or engaging in habitual felony conduct as described by Section 51.031 of the Texas Family Code.

III.

(Agencies and officials to serve, notice sent certified mail, return receipt requested by the clerk of the court. Reasonable notice of the hearing is required in Section 58.003(e). Make sure that the addresses are correct and you have the custodian of records identified.)

The Applicant has reason to believe that the files and records relating to the Applicant are held by the following officials and agencies:

1. Police Department
2. Probation Department
3. District or County Attorney (prosecuting attorney)
4. Texas Department of Public Safety
Crime Records Department (MSC 0234)
P.O. Box 4143
Austin, Texas 78765-4143
5. District Clerk's Office
6. School(s) *if applicable*
7. Juvenile Justice Information System
8. Agency granting the discharge if the final discharge was from an institution or from parole
9. Other (State Hospitals, Placements, Treatment Providers, Texas Juvenile Justice Department – state commitments, etc.)

IV.*(Reasons for Sealing Section 58.003(b) and (c))*

The Applicant would request this court seal his files and records for the following reasons:

1. Applicant is 19 years of age or older;
2. He was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution;
3. The records have not been used as evidence in the punishment phase of a criminal proceeding under Article 37.07(3)(a) of the Texas Code of Criminal Procedure; and,
4. Applicant has not been convicted of a felony since becoming 17 years of age.

WHEREFORE, Applicant requests that the Court:

1. Set this matter for hearing;
2. Give reasonable notice of the hearing to each agency and official named in Section III of this Application pursuant to Section 58.003(e) of the Texas Family Code;
3. After hearing this matter order each official and agency named as possessing records or files concerning the Applicant to:
 - a. send all files and records to the court before the 61st day after receiving the order;
 - b. delete all index references to the Applicant and the records ordered sealed;
 - c. send verification to the court in the manner attached;
 - d. reply, upon inquiry, that no such record exists with respect to the Applicant;
4. Order the (*charging agency usually the police department*) to contact the Federal Bureau of Investigation's Criminal Justice Center in West Virginia requesting that they remove their records with respect to Applicant;
5. Order the clerk of court to send a copy of the sealing order to each agency named in the order;
6. Order the proceeding dismissed and order it to be treated for all purposes, other than a subsequent capital prosecution, as if it had never occurred.

Respectfully submitted,

FIAT

The foregoing Application is set for hearing before the District Judge on the _____ day of _____, 200_ at _____ o'clock ___ m. in the courtroom of the _____ District Court, _____.

Judge Presiding

VERIFICATION

COUNTY OF _____

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared, _____, who after being duly sworn stated:

I am the Applicant who is the subject of the foregoing Application for Sealing Files and Records. I have read the Application and swear that all of the allegations of fact contained therein are true and correct. I am 19 years of age or older. I was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution. The records have not been used as evidence in the punishment phase of a criminal proceeding under Article 37.07(3)(a) of the Texas Code of Criminal Procedure. I have not been convicted of a felony since becoming 17 years of age.

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____ 200_.

Notary Public in and for the State of Texas

My Commission Expires:

Printed Name of Notary

SAMPLE

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____ COUNTY, TEXAS

APPLICATION FOR SEALING FILES AND RECORDS (Misdemeanor)

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, _____, by and through his attorney of record and files this his Petition for Sealing Files and Records pursuant to Section 58.003 of the Texas Family Code would respectfully show the court as follows:

I.

Applicant has the following identifying information:

Name:

D.O.B.

Sex:

Race:

SSN:

TDL:

Address:

Offense:

Date of Offense:

Location of Offense:

Cause No. of Juvenile File:

Court and County Petition Filed:

II.*A. (Facts of the Case-Adjudication)*

Applicant was placed on probation for the misdemeanor offense(s) of _____ on (date) for a period of _____ months. He successfully completed probation on _____. More than two years have elapsed since the final discharge of Applicant from probation.

B. (Facts of the Case-No Adjudication)

The State filed an Original Petition on (date) alleging that Applicant engaged in delinquent conduct, specifically by committing the offense of _____. The State filed a Motion for Non-suit of its Petition and such Non-suit was granted on _____. More than two years have elapsed since the last official action in this cause. There was no adjudication of delinquent conduct in this cause.

III.

(Agencies and officials to serve, notice sent certified mail, return receipt requested by the clerk of the court. Reasonable notice of the hearing is required in Section 58.003(e). Make sure that the addresses are correct and you have the custodian of records identified).

The Applicant has reason to believe that the files and records relating to the Applicant are held by the following officials and agencies:

10. Police Department
11. Probation Department
12. District or County Attorney (prosecuting attorney)
13. Texas Department of Public Safety
Crime Records Department (MSC 0234)
P.O. Box 4143
Austin, Texas 78765-4143
14. District Clerk's Office
15. School(s)
16. Juvenile Justice Information System
17. Agency granting the discharge if the final discharge was from an institution
18. Other (State Hospitals, Placements, Treatment Providers, etc.)

IV.*(Reasons for Sealing)**A. Adjudication Section 58.003(a)*

The Applicant would show he is entitled to have all files and records concerning the case sealed for the following reasons:

5. two years have elapsed since his final discharge from probation; and,
6. since his final discharge, he has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

B. No Adjudication Section 58.003(a) and Section 58.003(d)

The Applicant would show he is entitled to have all files and records concerning the case sealed for the following reasons:

1. two years have elapsed since the last official action in this case as there was no adjudication; and,
2. since the last official action, he has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

WHEREFORE, Applicant requests that the Court:

7. Set this matter for hearing;
8. Give reasonable notice of the hearing to each agency and official named in Section III of this Application pursuant to Section 58.003(e) of the Texas Family Code;
9. After hearing this matter order each official and agency named as possessing records or files concerning the Applicant to:
 - e. send all files and records to the court before the 61st day after receiving the order;
 - f. delete all index references to the Applicant and the records ordered sealed;
 - g. send verification to the court in the manner attached;

- h. reply, upon inquiry, that no such record exists with respect to the Applicant;
- 10. Order the (*charging agency usually the police department*) to contact the Federal Bureau of Investigation’s Criminal Justice Center in West Virginia requesting that they remove their records with respect to Applicant;
- 11. Order the clerk of court to send a copy of the sealing order to each agency named in the order;
- 12. Order the proceeding dismissed and order it to be treated for all purposes, other than a subsequent capital prosecution, as if it had never occurred.

Respectfully submitted,

FIAT

The foregoing Application is set for hearing before the District Judge on the _____ day of _____, 200_ at _____ o’clock ___ m. in the courtroom of the _____ District Court, _____.

Judge Presiding

VERIFICATION

COUNTY OF _____
STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared, _____, who after being duly sworn stated:

I am the Applicant who is the subject of the foregoing Application for Sealing Files and Records. I have read the Application and swear that all of the allegations of fact contained therein are true and correct. Two years have elapsed since (*my final discharge from probation or the last official action in this cause*) and I have not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating

a need for supervision and no proceeding is pending against me seeking conviction or adjudication.

John Doe

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____ 200_.

Notary Public in and for the State of Texas

My Commission Expires:

Printed Name of Notary

SAMPLE

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

TEXAS

_____ COUNTY,

ORDER OF DENIAL OF APPLICATION

On the ____ day of _____ 200__, came on to be heard the Application for Sealing Files and Records filed in the above numbered and styled cause. The Applicant appeared in person, represented by counsel, _____ (*other parties who appeared*). All parties announced ready for trial.

WHEREUPON, the Court proceeded to inquire into the merits of said Application and after reviewing the documents filed herein, and after hearing and recording the evidence, and hearing the argument of counsel, the Court is of the opinion that in the best interest and welfare of the said child, the Petition should be denied.

IT IS THEREFORE ORDERED that the Petition in the above styled and numbered cause is hereby denied.

SIGNED AND ENTERED this the _____ day of _____, 20__.

JUDGE PRESIDING

CAUSE NO. _____

IN THE MATTER OF

§
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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____ COUNTY, TEXAS

ORDER SEALING FILES AND RECORDS

On the ____ day of _____ 200__, came on to be heard the Application for Sealing Files and Records filed in the above numbered and styled cause. The Applicant appeared in person, represented by counsel, _____ (*other parties who appeared*). All parties announced ready for trial.

WHEREUPON, the Court inquired into the merits of said Application and after reviewing the documents filed herein, and after hearing and recording the evidence, and hearing the argument of counsel, the Court is of the opinion that in the best interest and welfare of the Applicant, the Application should be granted.

IT IS ORDERED the files and records regarding the following juvenile be sealed.

Name:

D.O.B.

Sex:

Race:

SSN:

TDL:

Address:

Offense:

Date of Offense:

Location of Offense:

Cause No. of Juvenile File:

Court and County Petition Filed:

IT IS FURTHER ORDERED

1. Each agency listed in Section 9 below, with the exception of _____
(for example schools or hospitals or any agency you do not want to completely delete all references to your client.) shall send to this Court all files and records relating to Applicant before the 61st day after receiving this Order.
2. Each agency listed in Section 9 below, with the exception of _____, shall delete all index references to Applicant and send to this Court a completed Agency Verification Form which is attached before the 61st day after receiving this Order.
3. Each agency or official listed in Section 9 below, with the exception of _____, shall reply upon inquiry that “**No record exists**” with respect to Applicant.
4. _____ (for example schools or hospitals, etc.) shall send to this Court before the 61st day after receiving this Order all files and records relating to Applicant and any delinquent conduct or conduct indicating a need for supervision as defined in Section 51.03 of the Texas Family Code.
5. _____ shall delete all index references to Applicant and any delinquent conduct or conduct indicating a need for supervision as defined in Section 51.03 of the Texas Family Code and send to this Court a completed Agency Verification Form which is attached before the 61st day after receiving this Order.
6. _____ shall reply upon inquiry that “**No record exists**” with respect to any conduct by Applicant that would be considered delinquent conduct or conduct indicating a need for supervision as defined in Section 51.03 of the Texas Family Code.
7. Any agency or official that cannot send the records or delete index references because there is incorrect or insufficient information in the Order shall notify this Court before the 61st day after receiving this Order. The Court shall notify the Applicant or his attorney before the 61st day after the date this Court receives the notice that the agency or official cannot seal the records or delete index references because there is incorrect or insufficient information in the Order.

- 8. The (*charging agency usually the police department*) shall contact the Federal Bureau of Investigation’s Criminal Justice Center in West Virginia requesting that they remove their records with respect to Applicant;
- 9. The clerk shall send a certified copy of this Order to the following:
 - Police Department
 - Probation Department
 - District or County Attorney (prosecuting attorney)
 - Texas Department of Public Safety
 - District Clerk’s Office
 - School(s)
 - Federal Bureau of Investigations
 - Agency granting the discharge if the final discharge was from an institution or from parole
 - Other (State Hospitals, Placements, Treatment Providers, Texas Juvenile Justice Department – State Institutions, etc.)
- 10. The proceeding of Cause No. JD-_____ is dismissed and it is to be treated for all purposes, other than a subsequent capital prosecution, as if it had never occurred.

Signed the _____ day of _____ 200__.

JUDGE PRESIDING

- 1) Texas Juvenile Justice Department (State Commitment)
Records Custodian
P.O. Box 12757
Austin, TX 78751
- 2) [INSERT NAME AND ADDRESS OF THE APPLICABLE COUNTY JUVENILE PROBATION DEPARTMENT]
- 3) [INSERT NAME AND ADDRESS OF COURT CLERK] Clerk of Court of the _____ Court in
_____County Texas
- 4) [INSERT NAME AND ADDRESS OF PROSECUTOR'S OFFICE]
- 5) [INSERT NAME AND ADDRESSES FOR ALL LAW ENFORCEMENT AGENCIES]

SIGNED AND ENTERED on this the _____ day of _____, 200__.

JUDGE PRESIDING

ACKNOWLEDGEMENT OF IMPLEMENTATION OF COURT ORDER 

I am the custodian of records for the named entity and holder of juvenile records made the subject of this court order. I acknowledge that the records within the scope of this order have been placed on restricted access and will not be disclosed except as permitted by state or federal law.

SIGNED this _____ day of _____, _____.

Custodian of Records

Subscribed and Sworn to before me on the _____ [insert date], to certify which, witness my hand and official seal.

Notary Public in and for the
State of Texas

NO. _____-J

IN THE MATTER OF	§ IN COUNTY COURT AT LAW #X
JUVENILE RESPONDENT,	§ OF GREGG COUNTY, TEXAS
A CHILD	§ SITTING AS A JUVENILE COURT

MOTION TO RELEASE JUVENILE RECORDS

Now comes the State of Texas by and through the undersigned Assistant District Attorney for Gregg County, Texas and files this Motion to Release Juvenile Records pursuant to §51.13 and §58.007 of the Texas Family Code, and as grounds for this Motion would show the following:

I.

JUVENILE RESPONDENT, born on the XXth day of Month, XXXX, has been charged with Murder in the above styled and referenced cause.

II.

The Gregg County District Attorney’s Office is requesting release of the juvenile records of JUVENILE RESPONDENT to Dr. Barney Fyfe, PhD. Dr. Fyfe is an interested party to and has a legitimate interest in the records in that he has been chosen by the Gregg County Probation Department to complete the psychological examination of JUVENILE RESPONDENT as ordered by this Court. Dr. Fyfe, PhD has requested information from the file of the probation department in order to do a thorough psychological.

III.

Such records requested are offense reports, witness statements, school records, prior mental health records and any information regarding prior referrals or contacts with the juvenile probation

system in the file of the Gregg County Juvenile Probation Department in regard to JUVENILE RESPONDENT.

Wherefore, the undersigned prays that this Court order the release of the juvenile records of JUVENILE RESPONDENT as requested.

Respectfully submitted,

STACEY L. BROWNLEE
Asst. District Attorney
Gregg County, Texas
SBN: XXXXXXXX

NO. _____-J

IN THE MATTER OF	§ IN COUNTY COURT AT LAW #1
JUVENILE RESPONDENT,	§ OF GREGG COUNTY, TEXAS
A CHILD	§ SITTING AS A JUVENILE COURT

ORDER RELEASING JUVENILE RECORDS

Came by submission the foregoing Motion to Release Juvenile Records pursuant to § 51.13 and §58.007 of the Texas Family Code.

The Court finds that Dr. Barney Fyfe, PhD has a legitimate interest in the work of the Court and is otherwise entitled to the juvenile records of JUVENILE RESPONDENT.

It is therefore ORDERED that the juvenile records of JUVENILE RESPONDENT be released as requested. Further, it is ordered that such records remain confidential while in the possession of Dr. Barney Fyfe, PhD and that they not be released in any manner unless and until this Court orders such release.

SIGNED this XXth day of May, XXXX.

JUDGE PRESIDING

JUVENILE BOARD RESOLUTION

STATE OF TEXAS

Know All Men By These Present

COUNTY OF _____

On this the _____ day of _____, 20____, a duly called and lawfully convened meeting of the Juvenile Board of _____ County, Texas was held in the City of _____, pursuant to the Texas Open Meetings Act. A quorum of the Members were present, to wit:

[Insert Names of Juvenile Board Members Present]

where, among other matters, came up for consideration and adoption the following Resolution:

Whereas, the _____ County Juvenile Probation Department collects and maintains records and files relating to a child a party to a proceeding under Title III of the Texas Family Code; and

Whereas, the records and files collected and maintained by the _____ County Juvenile Probation Department are generally confidential and may only be disclosed to certain entities pursuant to Family Code Section 58.005; and

Whereas, the military of this state or the United States is not authorized to access the _____ County Juvenile Department records and files under Family Code Sections 58.005 or 58.007; and

Whereas, the Juvenile Board of _____ County believes the military of this state or the United States has a legitimate interest in the proceeding or in the work of the juvenile court of _____ County, Texas;

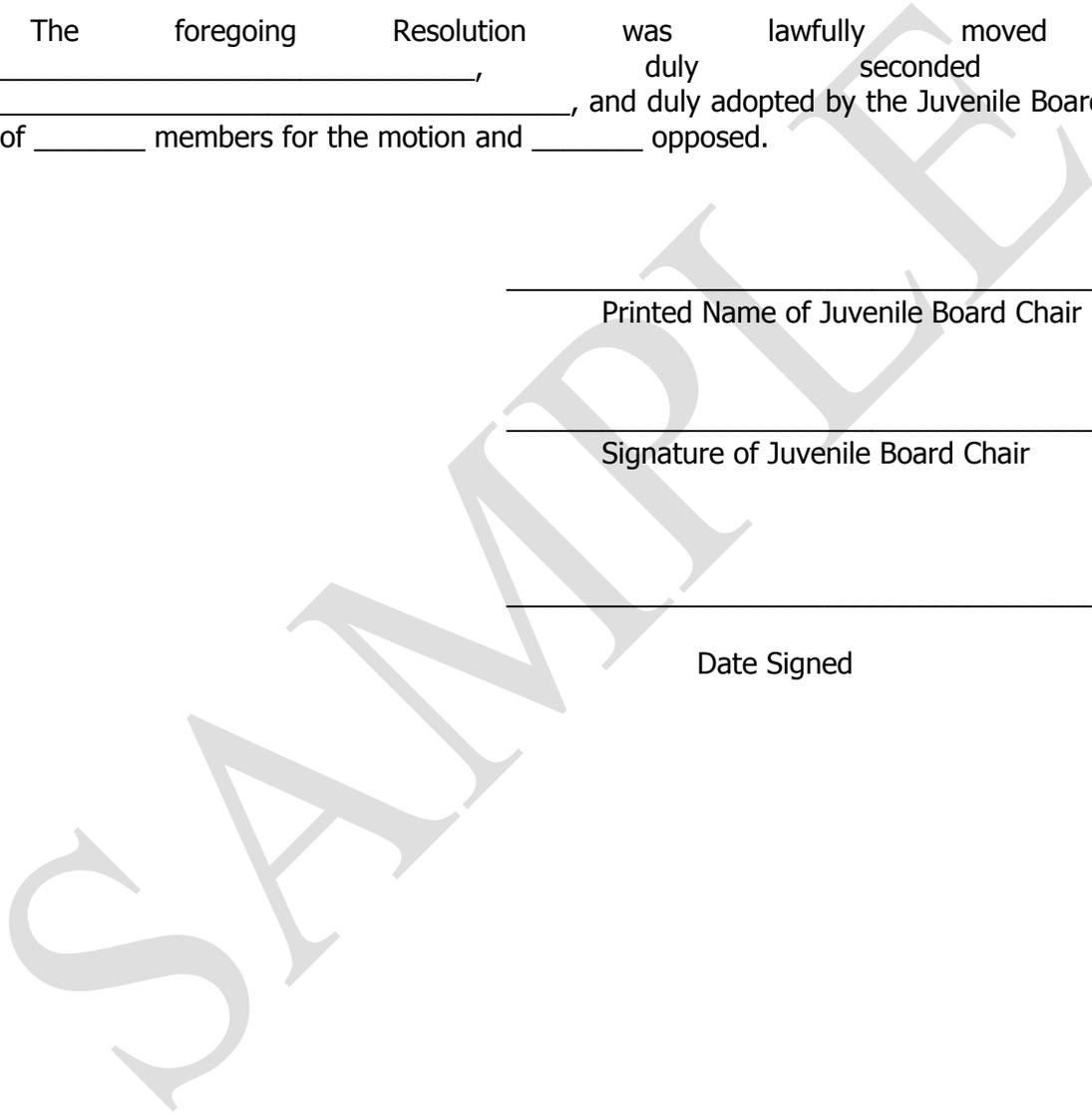
Therefore Be It Resolved that the Juvenile Board of _____ County, Texas does hereby formally authorize, pursuant to Family Code Section 58.007(i), the _____ County Juvenile Probation Department to release records and files to military personnel of this state or the United States with written permission from the child or the child’s parent if the child is under 18 years of age. Release of records and information under this resolution shall be limited to a summary juvenile offense history only.

The foregoing Resolution was lawfully moved by _____, duly seconded by _____, and duly adopted by the Juvenile Board on a vote of _____ members for the motion and _____ opposed.

Printed Name of Juvenile Board Chair

Signature of Juvenile Board Chair

Date Signed





TEXAS DEPARTMENT OF PUBLIC SAFETY
CRIME RECORDS SERVICE
 Access & Dissemination Bureau



PROCEDURE FOR REVIEW OF PERSONAL CRIMINAL HISTORY RECORD INFORMATION

It is the policy of the Texas Department of Public Safety (DPS) that an individual or their authorized representative have access to and may receive a copy of their criminal history record information (CHRI). This policy is in compliance with the Texas Government Code, Section 552.023.

FINGERPRINTS SUBMITTED ELECTRONICALLY BY MorphoTrust USA TO DPS: The DPS has entered into an exclusive contract with MorphoTrust USA to provide statewide electronic fingerprinting. Fingerprint Applicant Services of Texas (FAST) are available by scheduling an appointment on-line at www.L1enrollment.com or by calling 1-888-467-2080. MorphoTrust USA is committed to a 98% classifiable rate which means quality prints, less rejections, and quick responses. The cost of this service is \$9.95 plus a \$15.00 fee for the CHRI. The results will be mailed to the address provided by the individual.

FINGERPRINTS SUBMITTED BY MAIL TO MorphoTrust USA: The individual or their authorized representative must submit a completed hard card FAST pass form with the individual's signature and fingerprint card to MorphoTrust USA. The results will be mailed to the designated recipient provided by the individual. If you have any questions, please call (512) 424-2079.

1. COMPLETED FAST PASS FORM:

- All the information requested on the form is required. Please print legibly. **Individual's signature must be on the FAST Pass form.**

2. COMPLETED FINGERPRINT CARD:

- Following information regarding person whose record is to be searched, must be completed on the fingerprint card:
 - a) Printed last name, first name, middle name of individual, including all alias names.
 - b) Sex, race, date of birth, Social Security Number.
 - c) Complete, legible set of fingerprints on a DPS approved fingerprint card which may be obtained from a law enforcement agency or FAST provider near you. Visit www.L1enrollment.com or call 1-888-467-2080 to locate a FAST provider near you. **Individual's signature must be on the fingerprint card.**

3. PAYMENT:

- Enclose a \$24.95 check or U.S. money order made out to MorphoTrust USA for each individual and mail the FAST Pass form, fingerprint card and payment to:

MorphoTrust USA
 1650 Wabash Avenue, Suite D
 Springfield, IL 62704

Fingerprint Card Scan Authorization Form

Please print legibly and complete all fields in Section 2 (Applicant Information). **ALL INFORMATION IS REQUIRED.** Your fingerprint cards must include the following personal data: Date of Birth, Sex, Race, Height, Weight, Eye Color, Hair Color, Place of Birth, and Home Address. Requested data is required by the Texas Department of Public Safety to process your background check.

Mail this form, along with your completed fingerprint card and a check or money order payable to MorphoTrust USA for \$24.95 to:

MorphoTrust USA
 1650 Wabash Avenue, Suite D
 Springfield, IL 62704

Section One: Qualified Entity Information

ORI#: TXIREVIEW Original TCN: _____
(If resubmission for rejected fingerprints)

Designated Recipient's Name: _____

Designated Recipient's Address: _____
(City) (State) (Zip code)

Section Two: Applicant Information (To be completed by Applicant) – Please Print Legibly

Applicant Last Name _____ First Name _____ Middle Name _____
(please print)

Sex Male Female Race _____ Ethnicity _____ Skin Tone _____
(W, B, A, I, O) (Hispanic or Non-Hispanic)

Date of Birth _____ Height _____ Weight _____ Hair Color _____ Eye Color _____
(feet and inches)

Place of Birth _____
(state or country)

Home Address _____
Street Address City State Zip

Section Three: Waiver Information (To be signed by applicant)

I certify that all information I provided in relation to this criminal history record check is true and accurate. I authorize the Texas Department of Public Safety (DPS) to access Texas and Federal criminal history record information that pertains to me and disseminate that information to the designated Authorized Agency or Qualified Entity with which I am or am seeking to be employed or to serve as a volunteer, through the DPS Fingerprint-based Applicant Clearinghouse of Texas and as authorized by Texas Government Code Chapter 411 and any other applicable state or federal statute or policy.

I authorize the Texas Department of Public Safety to submit my fingerprints and other application information to the FBI for the purpose of comparing the submitted information to available records in order to identify other information that may be pertinent to the application. I authorize the FBI to disclose potentially pertinent information to the DPS during the processing of this application and for as long hereafter as may be relevant to the activity for which this application is being submitted. I understand that the FBI may also retain my fingerprints and other applicant information in the FBI's permanent collection of fingerprints and related information, where all such data will be subject to comparisons against other submissions received by the FBI and to further disseminations by the FBI as may be authorized under the Federal Privacy Act (5USC 552a(b)). I understand I am entitled to obtain a copy of any criminal history record check and challenge the accuracy and completeness of the information before a final determination is made by the Qualified Entity. I also understand the Qualified Entity may deny me access to children, the elderly, or individuals with disabilities until the criminal history record check is completed.

Signature _____ Date _____



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE PS (Third Edition)

Consolidated Juvenile Schedules

SECTION 2-5: JUVENILE RECORDS

Retention Note: Juvenile court records are subject to sealing under Family Code, Section 58.003. While sealing restricts access to the records, it does not affect the minimum retention periods in this part or the destruction of the records following the expiration of the retention periods.

Records maintained by law enforcement agencies or other agencies relating to the investigation of offenses committed by juveniles or records concerning taking juveniles into custody and their prosecution are subject to sealing under Family Code, Section 58.003. On the entry of a sealing order by a court, law enforcement records or records held by other agencies relating to the case must be transferred to the court issuing the order and all index references to the records ordered sealed must be deleted. The retention periods in this part apply to unsealed records of juveniles in the possession of law enforcement agencies or other agencies.

Record Number	Record Title	Record Description	Retention Period	Remarks
4425-01 through 4425-04	[WITHDRAWN]			
*PS4225-05	VIDEO RECORDINGS [JUVENILE DETENTION HEARINGS]	Video recordings of detention hearings involving juveniles.	The earlier of (1) the 91st day after the date on which the recording is made if the child	By law - Family Code, section 54.012(c).

Record Number	Record Title	Record Description	Retention Period	Remarks
			is alleged to have engaged in conduct constituting a misdemeanor; (2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a felony; or (3) the date on which the adjudication hearing ends.	
*PS4225-06	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES]	Offense reports, disposition reports, fingerprints, photographs, and other records relating to the investigation of an offense or alleged offense committed by a juvenile and the taking of the juvenile into custody in those instances in which the juvenile is made subject to informal discipline, rather than being referred to a juvenile court or placed in a first offender program.	Must be destroyed upon completion of informal disposition.	By law - Family Code, Section 58.001(c).
*PS4225-07	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES], REPORT ON	Annual statistical reports from a law enforcement agency to an office of official designated by the juvenile board of a county on the number and kind of dispositions made with regard to juveniles without referral to a juvenile court or a first offender program.	2 years.	
*PS4225-08	JUVENILE DELINQUENCY RECORDS [FIRST OFFENDER PROGRAM]	Reports, photographs, fingerprints, and copies of notices to parents by a law enforcement officer referring a child to a first offender program without referral to a juvenile court.	Must be destroyed after the 90th day after the date the juvenile successfully completes the first offender program.	By law - Family Code, Section 58.001(c). Retention Note: If the child does not successfully complete the program, by his or her own volition, or is withdrawn from the program prior to its completion by the parent, guardian, or other custodian; or if the child is taken into custody before the 90th day after the date the child completes the program for conduct other than the conduct for which the

Record Number	Record Title	Record Description	Retention Period	Remarks
				child was referred to the first offender program, the case shall be referred to the juvenile court.
*PS4225-09	JUVENILE DELINQUENCY RECORDS [FIRST OFFENDER PROGRAM] REPORT ON	Annual reports from a law enforcement agency to the juvenile board containing the names and addresses of children taken into custody by the agency, including the gender and ethnicity of each child and the offense committed.	2 years.	
*PS4225-10	JUVENILE DELINQUENCY CASES (NON-REFERRED CASES)	Offense reports, disposition reports, fingerprints, photographs, and other records relating to the investigation of an offense or alleged offense committed by a juvenile and the taking of the juvenile into custody in those instances in which the juvenile is not referred to a juvenile court, placed in a first offender program, or is made subject to informal disposition within 10 days of being taken into custody.	Destroy immediately.	By law - Family Code, Section 58.001(c).
*PS4225-11	VIDEO RECORDINGS OF REQUESTS FOR BREATH SPECIMEN TESTS	Video recordings of children who are requested to take a breath specimen test.	Until the disposition of any proceeding against a child relating to the arrest is final.	By law - Family Code, Section 52.02(d).
*PS4225-12	JUVENILE DELINQUENCY RECORDS [STATUTORY WARNINGS]	Copies of statutory warnings issued to a child and the child's parent, guardian, or custodian in those instances in which a child is not taken into custody, including copies of the notice filed with the law enforcement agency that employs the officer and the office or official designated by the juvenile board.	2 years.	
*PS4225-13	JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)	Offense reports, warning notices, fingerprints, photographs, and other records relating to the investigation of an offense committed by a juvenile and the taking of a juvenile into custody in those instances in which a warning notice has been issued and the case has been referred to juvenile court or a first offender program.		
*PS4225-13a	JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)	Cases papers for offenses committed on or before 31 August 1987:		

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>1. If the person has not been convicted of a felony as an adult.</p> <p>2. If the person has been convicted of a felony as an adult.</p>	<p><i>Until the individual is 23.</i></p> <p><i>Until the individual is 33.</i></p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-13(a)(2).</p>
*PS4225-13b	<p>JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)</p>	<p>Case papers for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If the person has not been convicted of a felony as an adult.</p>	<p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-13(b)(2).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>2. If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	
*PS4225-13c	<p>JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)</p>	<p>Case papers for offenses committed on or after 1 January 1996:</p> <p>1. The most serious allegation adjudicated was conduct indicating a need for supervision;; or the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court's staff did not take action of the referral or information for that reason.</p> <p>2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication.</p> <p>3. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony.</p> <p>4. If the juvenile was tried as an adult or was adjudged delinquent based on the violation of a penal law of the grade of felony and was sentenced to the Texas Youth Commission</p>	<p>Until the individual is at least 18 years of age.</p> <p>Until the individual is at least 21 years of age.</p> <p>Until the individual is at least 31 years of age.</p> <p>Follow the retention periods for item number</p>	

Record Number	Record Title	Record Description	Retention Period	Remarks
		with a transfer to the Texas Department of Corrections under determinate sentencing procedures.	PS4125-05.	
PS4225-14	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES			
*PS4225-14a	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or before 31 August 1987:</p> <ol style="list-style-type: none"> 1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is no record that he or she committed a criminal offense after reaching the age of 17. 2. If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17: <ol style="list-style-type: none"> A) If the person has not been convicted of a felony as an adult. 	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>B) If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 33.</p>	
<p>*PS4225-14b</p>	<p>FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES</p>	<p>Fingerprints and photographs for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is <i>no</i> record that he or she committed a criminal offense after reaching the age of 17; or person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release.</p> <p>2. If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than felony, has reached the age of 18, but there is a record that he or she committed an offense after the age of 17:</p> <p>A) If the person has not been convicted of a felony as an adult.</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>B) If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	<p>for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
*PS4225-14c	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or after 1 January 1996:</p> <ol style="list-style-type: none"> 1. Fingerprints and photographs of juveniles not taken into custody, but with the consent of a parent or guardian to aid future identification if needed. 2. Fingerprints and photographs of juveniles not referred to a juvenile court within 10 days after the date the juvenile is taken into custody unless the juvenile is placed in a first offender program or is on informal disposition 3. Fingerprints and photographs of juveniles undergoing informal disposition. 4. Fingerprints and photographs of juveniles placed in first offender 	<p>Until the juvenile is 18.</p> <p>Must be destroyed immediately.</p> <p>Must be destroyed upon completion of the informal disposition.</p> <p>Must be destroyed</p>	

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>programs</p> <p>5. Fingerprints or photographs taken for comparison in the investigation of an offense that do not result in a positive comparison or identification.</p> <p>6. Fingerprints or photographs of juveniles, whose identities are not known, who are taken into custody with probable cause to believe that the juvenile has engaged in conduct indicating a need for supervision.</p>	<p>after the 90th day after the day the juvenile successfully completes a first offender program.</p> <p>Must be destroyed immediately.</p> <p>Destroy immediately upon identification of the juvenile or upon determination that the juvenile cannot be identified by the fingerprints or photograph.</p>	
PS4225-15	JUVENILE DETENTION REGISTER	Register or roster of juveniles temporarily confined to jail or equivalent detention centers pending disposition.	2 years.	
*PS4225-16	JUVENILE INFORMATION SYSTEMS (LOCAL)	Locally maintained juvenile information databases containing the information required by Family Code, §58.304.	PERMANENT	Retention Note: Data concerning an individual contained in the database may be deleted according to retention periods established for juvenile offenders in records series listed elsewhere in this schedule.
PS4225-17	JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)	Offense reports, warning notices, fingerprints, photographs, and other records relating to the investigation and prosecution of an offense committed by a juvenile and the taking of a juvenile into custody in those instances in which a warning notice has been issued and the case has been referred to juvenile court.		
*PS4225-17a	JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)	<p>Cases papers for offenses committed on or before 31 August 1987:</p> <p>1. If the person has not been convicted of a</p>	<p><i>Until the individual is</i></p>	Retention Note: State law requires that the

Record Number	Record Title	Record Description	Retention Period	Remarks
		felony as an adult. 2. If the person has been convicted of a felony as an adult.	23. <i>Until the individual is 33.</i>	records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-17(a)(2).
*PS4225-17b	JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)	Case papers for offenses committed between 1 September 1987 and 31 December 1995: 1. If the person has not been convicted of a felony as an adult. 2. If the person has been convicted of a felony as an adult.	<i>Until the individual is 23.</i> <i>Until the individual is 33.</i>	Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-17(b)(2).

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Date of judgment in disposition hearing + 25 years.</p>	
<p>*PS4225-17c</p>	<p>JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)</p>	<p>Case papers for offenses committed on or after 1 January 1996:</p> <p>1. The most serious allegation adjudicated was conduct indicating a need for supervision;; or the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court’s staff did not take action of the referral or information for that reason.</p> <p>2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication.</p> <p>3. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony.</p> <p>4. If the juvenile was tried as an adult or was adjudged delinquent based on the violation of a penal law of the grade of felony and was sentenced to the Texas Youth Commission with a transfer to the Texas Department of Corrections</p>	<p>Until the individual is at least 18 years of age.</p> <p>Until the individual is at least 21 years of age.</p> <p>Until the individual is at least 31 years of age.</p> <p>Follow the retention periods for item number PS2575-01.</p>	<p>By law - Family Code, Section 58.0071(d)(1).</p> <p>By law - Family Code, Section 58.0071(d)(2).</p> <p>By law - Family Code, Section 58.0071(d)(3).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		under determinate sentencing procedures.		

LOCAL SCHEDULE LC (Second Edition)

PART 5: JUVENILE RECORDS

Retention Note: Juvenile court records are subject to sealing under Family Code, Section 58.003. While sealing restricts access to the records, it does not affect the minimum retention periods in this part or the destruction of the records following the expiration of the retention periods.

Records maintained by law enforcement agencies or other agencies relating to the investigation of offenses committed by juveniles or records concerning taking juveniles into custody and their prosecution are subject to sealing under Family Code, Section 58.003. On the entry of a sealing order by a court, law enforcement records or records held by other agencies relating to the case must be transferred to the court issuing the order and all index references to the records ordered sealed must be deleted. The retention periods in this part apply to unsealed records of juveniles in the possession of law enforcement agencies or other agencies.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2450-01	VIDEO RECORDINGS [JUVENILE DETENTION HEARINGS]	Video recordings of detention hearings involving juveniles.	The earlier of (1) the 91st day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a misdemeanor; (2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a	By law – Family Code, Section 54.012(c).

Record Number	Record Title	Record Description	Total Retention	Remarks
			felony; or (3) the date on which the adjudication hearing ends.	
*LC2450-02	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES], REPORT ON	Annual statistical reports from a law enforcement agency to an office of official designated by the juvenile board of a county on the number and kind of dispositions made with regard to juveniles without referral to a juvenile court or a first offender program.	2 years.	
*LC2450-03	VIDEO RECORDINGS OF REQUESTS FOR BREATH SPECIMEN TESTS	Video recordings of children who are requested to take a breath specimen test.	Until the disposition of any proceeding against a child relating to the arrest is final.	By law - Family Code, Section 52.02(d).
*LC2450-04	JUVENILE DELINQUENCY RECORDS [STATUTORY WARNINGS]	Copies of statutory warnings issued to a child and the child's parent, guardian, or custodian in those instances in which a child is not taken into custody, including copies of the notice filed with the law enforcement agency that employs the officer and the office or official designated by the juvenile board.	2 years.	
*LC2450-05	JUVENILE CASE PAPERS	Documents relating to juvenile detention, transfer, adjudication, or disposition, including all records transferred to the court by law enforcement or other agencies under sealing orders issued by a court.		
*LC2450-05a	JUVENILE CASE PAPERS	Cases papers for offenses committed on or before 31 August 1987: 1. If the person has not been convicted of a felony as an adult.	Until the individual is 23.	Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>2. If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 33.</p>	<p>directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in LC2450-05(a)(2).</p>
*LC2450-05b	<p>JUVENILE CASE PAPERS</p>	<p>Case papers for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If the person has not been convicted of a felony as an adult.</p> <p>2. If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in LC2450-05(b)(2).</p>
*LC2450-05c	<p>JUVENILE CASE PAPERS</p>	<p>Case papers for offenses committed on or after 1 January 1996:</p> <p>1. The most serious allegation adjudicated was conduct indicating a need for supervision; or the referral or information did not relate to conduct indicating a need for</p>	<p>Until the individual is at least 18 years of age.</p>	<p>By law - Family Code, Section 58.0071(d)(1).</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>supervision or delinquent conduct and the juvenile court or the court's staff did not take action of the referral or information for that reason.</p> <p>2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication.</p> <p>3. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony.</p>	<p>Until the individual is at least 21 years of age.</p> <p>Until the individual is at least 31 years of age.</p>	<p>By law - Family Code, Section 58.0071(d)(2).</p> <p>By law - Family Code, Section 58.0071(d)(3).</p>
*LC2450-06	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES			
*LC2450-06a	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or before 31 August 1987:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is no record that he or she committed a criminal offense after reaching the age of 17.</p> <p>2. If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17:</p> <p>A) If the person has not been convicted</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual</p>	<p>Retention Note: State law requires that</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>of a felony as an adult.</p> <p>B) If the person has been convicted of a felony as an adult.</p>	<p>is 23.</p> <p>Until the individual is 33.</p>	<p>the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
*LC2450-06b	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is <i>no</i> record that he or she committed a criminal offense after reaching the age of 17; or person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release.</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p>	

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>2. If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than felony, has reached the age of 18, but there is a record that he or she committed an offense after the age of 17:</p> <p>A) If the person has not been convicted of a felony as an adult.</p> <p>B) If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	
*LC2450-06c	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or after 1 January 1996:</p> <p>1. Fingerprints and photographs of juveniles not taken into custody, but with the consent of a parent or guardian to aid future identification if needed.</p> <p>2. Fingerprints and photographs of juveniles not referred to a juvenile court within 10 days after the date the juvenile is taken into custody unless the juvenile is placed in a first offender program or is on informal disposition</p> <p>3. Fingerprints and photographs of juveniles undergoing informal disposition.</p>	<p>Until the juvenile is 18.</p> <p>Must be destroyed immediately.</p> <p>Must be destroyed upon completion of the informal</p>	

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>4. Fingerprints and photographs of juveniles placed in first offender programs</p> <p>5. Fingerprints or photographs taken for comparison in the investigation of an offense that do not result in a positive comparison or identification.</p> <p>6. Fingerprints or photographs of juveniles, whose identities are not known, who are taken into custody with probable cause to believe that the juvenile has engaged in conduct indicating a need for supervision.</p>	<p>disposition.</p> <p>Must be destroyed after the 90th day after the day the juvenile successfully completes a first offender program.</p> <p>Must be destroyed immediately.</p> <p>Destroy immediately upon identification of the juvenile or upon determination that the juvenile cannot be identified by the fingerprints or photograph.</p>	
*LC2450-07	JUVENILE COURT DOCKET		5 years.	
*LC2450-08	JUVENILE RECORD (JUVENILE COURT MINUTES)		PERMANENT.	
*LC2450-09	JUVENILE DETENTION REGISTER	Register or roster of juveniles temporarily confined to jail or equivalent detention centers pending disposition.	2 years.	
*LC2450-10	JUVENILE INFORMATION SYSTEMS (LOCAL)	Locally maintained juvenile information databases containing the information required by Family Code, Section 58.304.	PERMANENT.	Retention Note: Data concerning an individual contained in the database may be deleted according to retention periods established for juvenile offenders in records series listed elsewhere in this schedule.
*LC2450-11	AUDIO OR VIDEOTAPES OF RELEASE HEARINGS		Date of final judgment in release hearing + 2 years.	By law – Family Code, Section 540.11(g).

LOCAL SCHEDULE DC

(Third Edition)

PART 4: JUVENILE RECORDS

Retention Note: Juvenile court records are subject to sealing under Family Code, §58.003. While sealing restricts access to the records, it does not affect the minimum retention periods in this part or the destruction of the records following the expiration of the retention periods.

Records maintained by law enforcement agencies or other agencies relating to the investigation of offenses committed by juveniles or records concerning taking juveniles into custody and their prosecution are subject to sealing under Family Code, §58.003. On the entry of a sealing order by a court, law enforcement records or records held by other agencies relating to the case must be transferred to the court issuing the order and all index references to the records ordered sealed must be deleted. The retention periods in this part apply to unsealed records of juveniles in the possession of law enforcement agencies or other agencies.

Record Number	Record Title	Record Description	Total Retention	Remarks
2100-01 through 2100-04	WITHDRAWN			
*DC2100-05	VIDEO RECORDINGS [JUVENILE DETENTION HEARINGS]	Video recordings of detention hearings involving juveniles.	The earlier of (1) the 91st day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a misdemeanor; (2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct	By law – Family Code, Section 54.012(c).

Record Number	Record Title	Record Description	Total Retention	Remarks
			constituting a felony; or (3) the date on which the adjudication hearing ends.	
*DC2100-06	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES], REPORT ON	Annual statistical reports from a law enforcement agency to an office of official designated by the juvenile board of a county on the number and kind of dispositions made with regard to juveniles without referral to a juvenile court or a first offender program.	2 years.	
*DC2100-07	JUVENILE DELINQUENCY RECORDS [FIRST OFFENDER PROGRAM] REPORT ON	Annual reports from a law enforcement agency to the juvenile board containing the names and addresses of children taken into custody by the agency, including the gender and ethnicity of each child and the offense committed.	2 years.	
*DC2100-08	VIDEO RECORDINGS OF REQUESTS FOR BREATH SPECIMEN TESTS	Video recordings of children who are requested to take a breath specimen test.	Until the disposition of any proceeding against a child relating to the arrest is final.	By law - Family Code, Section 52.02(d).
*DC2100-09	JUVENILE DELINQUENCY RECORDS [STATUTORY WARNINGS]	Copies of statutory warnings issued to a child and the child's parent, guardian, or custodian in those instances in which a child is not taken into custody, including copies of the notice filed with the law enforcement agency that employs the officer and the office or official designated by the juvenile board.	2 years.	
*DC2100-10	JUVENILE CASE PAPERS	Documents relating to juvenile detention, transfer, adjudication, or disposition, including all records transferred to the court by law enforcement or other agencies under sealing orders issued by a		

Record Number	Record Title	Record Description	Total Retention	Remarks
		court.		
*DC2100-10a	JUVENILE CASE PAPERS	<p>Cases papers for offenses committed on or before 31 August 1987:</p> <ol style="list-style-type: none"> 1. If the person has not been convicted of a felony as an adult. 2. If the person has been convicted of a felony as an adult. 	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in DC2100-10(a)(2).</p>
*DC2100-10b	JUVENILE CASE PAPERS	<p>Case papers for offenses committed between 1 September 1987 and 31 December 1995:</p> <ol style="list-style-type: none"> 1. If the person has not been convicted of a felony as an adult. 	<p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>2. If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	DC2100-10(b)(2).
*DC2100-10c	JUVENILE CASE PAPERS	<p>Case papers for offenses committed on or after 1 January 1996:</p> <p>1. The most serious allegation adjudicated was conduct indicating a need for supervision;; or the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court’s staff did not take action of the referral or information for that reason.</p> <p>2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication.</p> <p>3. The most serious allegation adjudicated was delinquent conduct that violated a penal</p>	<p>Until the individual is at least 18 years of age.</p> <p>Until the individual is at least 21 years of age.</p> <p>Until the individual</p>	<p>By law - Family Code, Section 58.0071(d)(1).</p> <p>By law - Family Code, Section 58.0071(d)(2).</p> <p>By law - Family Code, Section</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>law of the grade of felony.</p> <p>4. If the juvenile was tried as an adult or was adjudged delinquent based on the violation of a penal law of the grade of felony and was sentenced to the Texas Youth Commission with a transfer to the Texas Department of Corrections under determinate sentencing procedures.</p>	<p>is at least 31 years of age.</p> <p>Follow the retention periods for item number DC2125-05.</p>	<p>58.0071(d)(3).</p>
*DC2100-11	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES			
*DC2100-11a	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or before 31 August 1987:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is no record that he or she committed a criminal offense after reaching the age of 17.</p> <p>2. If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17:</p> <p>A) If the person has not been convicted of a felony as an adult.</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>B) If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 33.</p>	<p>directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
<p>*DC2100-11b</p>	<p>FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES</p>	<p>Fingerprints and photographs for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is <i>no</i> record that he or she committed a criminal offense after reaching the age of 17; or person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release.</p> <p>2. If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than felony, has reached the age of 18, but there is a record that he or she committed an offense after the age of 17:</p> <p>A) If the person has not been convicted of a felony as an adult.</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>B) If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	<p>point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
*DC2100-11c	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or after 1 January 1996:</p> <ol style="list-style-type: none"> 1. Fingerprints and photographs of juveniles not taken into custody, but with the consent of a parent or guardian to aid future identification if needed. 2. Fingerprints and photographs of juveniles not referred to a juvenile court within 10 days after the date the juvenile is taken into custody unless the juvenile is placed in a first offender program or is on informal disposition 3. Fingerprints and photographs of juveniles undergoing informal disposition. 	<p>Until the juvenile is 18.</p> <p>Must be destroyed immediately.</p> <p>Must be destroyed upon completion of</p>	

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>4. Fingerprints and photographs of juveniles placed in first offender programs</p> <p>5. Fingerprints or photographs taken for comparison in the investigation of an offense that do not result in a positive comparison or identification.</p> <p>6. Fingerprints or photographs of juveniles, whose identities are not known, who are taken into custody with probable cause to believe that the juvenile has engaged in conduct indicating a need for supervision.</p>	<p>the informal disposition.</p> <p>Must be destroyed after the 90th day after the day the juvenile successfully completes a first offender program.</p> <p>Must be destroyed immediately.</p> <p>Destroy immediately upon identification of the juvenile or upon determination that the juvenile cannot be identified by the fingerprints or photograph.</p>	
*DC2100-12	JUVENILE COURT DOCKET		5 years.	
*DC2100-13	JUVENILE RECORD (JUVENILE COURT MINUTES)		PERMANENT.	
*DC2100-14	JUVENILE DETENTION REGISTER	Register or roster of juveniles temporarily confined to jail or equivalent detention centers pending disposition.	2 years.	
*DC2100-15	JUVENILE INFORMATION SYSTEMS (LOCAL)	Locally maintained juvenile information databases containing the information required by Family Code, §58.304.	PERMANENT.	Retention Note: Data concerning an individual contained in the database may be deleted according to retention periods established for juvenile offenders in records series listed elsewhere in this schedule.

Record Number	Record Title	Record Description	Total Retention	Remarks
*DC2100-16	AUDIO OR VIDEOTAPES OF RELEASE HEARINGS		Date of final judgment in release hearing + 2 years.	By law – Family Code, Section 540.11(g).

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