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Tarrant County District Attorney's Office

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Texas Juvenile Justice Department

JUVENILE  
RECORDS

WHERE DOES ALL  
THIS STUFF GO?

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ETHICS

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ATTORNEYS

- A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. – Preamble to TDRPC
- I do affirm that I will support the Constitution of the United States, and of this State; that I will honestly demean myself in the practice of the law, and will discharge my duties to my clients to the best of my ability. – Attorney's Oath

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## JUVENILE JUSTICE PROFESSIONALS

- Juvenile justice professionals must maintain the integrity and confidentiality of juvenile information, not seek more information than needed to perform their duties, and not reveal information to any person who does not have authorized access to the information for a proper, professional use

Code of Ethics: 37 TAC Ch. 345

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## WHAT IS A JUVENILE RECORD?

- The official "record" is in JJIS (DPS)
- Records and files exist with:
  - Law enforcement
  - Prosecutors
  - Courts
  - Probation Department
  - Treatment providers, including placements and TJJD

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## INFORMATION IN JJIS

- Juvenile's names and aliases
- Date and place of birth
- Physical description
- State ID number and other identifying info

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INFORMATION IN JJIS

- Fingerprints
- Last known residential address
- Agency that took into custody or detained juvenile
- Dates of detention or custody

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INFORMATION IN JJIS

- Conduct for which taken into custody, detained, or referred, including level and degree of offense
- Juvenile intake agency or probation office
- Disposition and date by intake agency or probation office

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INFORMATION IN JJIS

- Prosecutor's office
- Disposition and date by prosecutor
- Disposition and date by court
- Commitment to or parole by TJJD and date
- Appellate proceedings

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JJIS ENTRY – BASIC INFO

NAME (S)  
DUMMY,TEST RECORD  
FULL,RECORD(AKA)

FBI NUMBER

DPS NUMBER  
TX04721948

SOCIAL SECURITY  
453322234

DRIVERS LICENSE  
01234567 TX

ID NUMBER  
TX-12345678

SEX  
M

RACE  
W

SKIN TONE  
XXX

HEIGHT  
505

WEIGHT  
161

DATE OF BIRTH  
01-01-1984

HAIR COLOR  
BRO

EYE COLOR  
BLU

FINGERPRINT PATTERN  
POPOPOPOPOPOPOPOPO

JJIS ENTRY – BASIC INFO

AFIS FINGERPRINTS  
LLLLLLLLLL

RIDGE COUNT  
3232

PRIMARY CLASS

HENRY CLASS  
O 32 OOO 32 WWW  
O 32 OOO 32 WWW

PLACE OF BIRTH  
TX

CITIZEN  
US

III CODE

SCARS, MARKS AND TATTOOS  
SC R ARM  
TAT L ARM

ALIAS DOB  
01-01-1980

DNA  
N

OTHER IDENTIFICATION COMMENTS:  
JUVENILE TEST SID

How RECORDS ARE CREATED

ALLEGED OFFENSE AND POLICE CONTACT

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IS A RECORD CREATED...

- If the officer warns and releases child?

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IS A RECORD CREATED...

- If the police officer disposes of the case through First Offender program or other police disposition?

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IS A RECORD CREATED...

- If the officer refers the case for prosecution out-of-custody?

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IS A RECORD CREATED...

- If the officer takes the child to the juvenile detention center?

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LAW ENFORCEMENT RECORDS

- Photographs
- Fingerprints
- Offense Reports
- Statements
- Lab Reports
- Video

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## WHERE RECORDS GO

- DPS for inclusion in JJIS
- Juvenile Probation Department Intake
- Certain information to school if required by Article 15.27, CCP

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## JJIS ENTRY – LAW ENFORCEMENT

TRACKING SUFFIX A001

OFFENSE DATA	
AGENCY ID NUMBER	123456
OFFENSE DATE	10-01-1995
OFFENSE	ASSAULT CAUSES BODILY INJURY FAMILY MEMBER
CITATION	PC 22.01(a)(1)
LEVEL & DEGREE	MISDEMEANOR - CLASS A
DISPOSITION	REFERRED
DISPOSITION DATE	10-01-1995
REFERRED	TX227023G - JUVENILE PROBATION OFFICE AUSTIN DOMESTIC VIOLENCE CHARGE

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## JUVENILE PROBATION INTAKE

- Accept Law Enforcement Records
- Make Initial Decisions
- Additional Records Created

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NO PROBABLE CAUSE?

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NO PROBABLE CAUSE

- If Intake determines no probable cause, case is not referred for prosecution
- Court SHALL enter an order destroying records, including JJIS records
- 58.006 Family Code

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DEFERRED PROSECUTION

- Reported to JJIS
  - At time placed on
  - At time of successful completion
- Probation Department records are created relating to the supervision

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- JJIS
- Prosecutor
- Certain information to schools if required by Art. 15.27, CCP

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TX227013J - CTY COURT AT LAW NO 2 AUSTIN  
ASSAULT CAUSES BODILY INJURY FAMILY  
MEMBER  
PC 22.01(a)(1)  
MISDEMEANOR - CLASS A  
DOMESTIC VIOLENCE CHARGE  
REFER TO PROSECUTOR  
10-08-1995  
10-08-1995  
1234  
UNREPORTED/OR UNKNOWN

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## PROSECUTOR RECORDS

- If prosecutor determines no probable cause, court SHALL enter order destroying records, including JJIS entries (FC 58.006)
- If decide not to prosecute for other reasons, records remain in place – decision not to prosecute reported to JJIS

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## PROSECUTOR RECORDS

- All records received from law enforcement and probation
- All documents created based on investigation

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## WHERE RECORDS GO

- Prosecutor charging decision recorded in JJIS
- Shared with defense attorney as required by law
- Information provided to schools as required by Art. 15.27, CCP

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## JJIS ENTRY - PROSECUTOR

**COURT DATA**

<b>COURT AGENCY</b>	TX227013J - CTY COURT AT LAW NO 2 AUSTIN
<b>COURT OFFENSE</b>	ASSAULT CAUSES BODILY INJURY FAMILY MEMBER
<b>CITATION</b>	PC 22.01(a)(1)
<b>LEVEL &amp; DEGREE</b>	MISDEMEANOR - CLASS A DOMESTIC VIOLENCE CHARGE
<b>DISPOSITION</b>	PETITION / MOTION
<b>DISPOSITION DATE</b>	10-10-1995
<b>SENTENCE DATE</b>	10-10-1995
<b>CAUSE NUMBER</b>	1234
<b>FINAL PLEADING</b>	UNREPORTED/OR UNKNOWN

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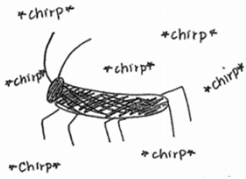
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## PETITION FILED

Finally, in a marvelous bit of irony, undersigned counsel has still not received Mr. Lyons' filing of August 17, 2012 (12 days ago). But rather than burden the Court with this type of matter, undersigned counsel e-mailed Mr. Lyons on August 21, 2012, politely reminding Mr. Lyons of the correct mailing address and asking for this filing (a copy of which e-mail is attached as Exhibit A). Mr. Lyons' response to that e-mail can best be depicted by Figure D.



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## COURT RECORDS

- Petition
- Motions
- Orders
- Anything else filed with the Court Clerk

**RULE #1**  
*The Court Clerk is always right.*

**RULE #2**  
*If the Court Clerk is ever wrong, see Rule #1.*

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- Outcome reported in JJIS
- Copies provided to parties as required by law
- Copies provided to placement locations
- Reside in official court file

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- If not true on all counts
- Court shall immediately order records sealed

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COURT AGENCY	TX227013J - CTY COURT AT LAW NO 2 AUSTIN
CAUSE OFFENSE	ASSAULT CAUSES BODILY INJURY FAMILY MEMBER
CITATION	PC 22.01(a)(1)
LEVEL & DEGREE	MISDEMEANOR - CLASS A DOMESTIC VIOLENCE CHARGE
DISPOSITION	ADJUDICATED
DISPOSITION DATE	10-15-1995
SENTENCE DATE	10-15-1995
CAUSE NUMBER	1234
FINAL PLEADING	TRUE
PROBATION	6M
RECEIVING CUSTODY	TX227023G

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## DISPOSITION TO PROBATION AT HOME



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## PROBATION DEPARTMENT RECORDS

- Assessment documents
- Case plans and reviews
- Treatment records
- Other supervision related documents
- Chronological notes
- Court referral documents

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## WHERE RECORDS GO

- Certain modifications reported to JJIS
- Completion of probation reported to JJIS
- Certain information provided to schools if required by Art. 15.27, CCP

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### JJIS ENTRY – MODIFICATION

COURT DATA

COURT AGENCY	TX227013J - CTY COURT AT LAW NO 2 AUSTIN
COURT OFFENSE	ASSAULT CAUSES BODILY INJURY FAMILY MEMBER
CITATION	PC 22.01(a)(1)
LEVEL & DEGREE	MISDEMEANOR - CLASS A
DISPOSITION	DOMESTIC VIOLENCE CHARGE
DISPOSITION DATE	DISPOSITION MODIFICATION
SENTENCE DATE	11-15-1995
CAUSE NUMBER	11-15-1995
FINAL PLEADING	1234
PROBATION	TRUE
PROVISION	9M
RECEIVING CUSTODY	PROBATION EXTENDED
	TX227023G

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### JJIS ENTRY - TJJD

COURT DATA

COURT AGENCY	TX227013J - CTY COURT AT LAW NO 2 AUSTIN
COURT OFFENSE	ASSAULT CAUSES BODILY INJURY FAMILY MEMBER
CITATION	PC 22.01(a)(1)
LEVEL & DEGREE	MISDEMEANOR - CLASS A
DISPOSITION	DOMESTIC VIOLENCE CHARGE
DISPOSITION DATE	ADJUDICATED
SENTENCE DATE	01-01-1996
CAUSE NUMBER	01-01-1996
FINAL PLEADING	1234
CONFINEMENT	NOT TRUE
PROVISION	2Y
RECEIVING CUSTODY	DETERMINATE SENTENCE
	TJJD

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### DISPOSITION TO PLACEMENT OR TJJD

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TREATMENT PROVIDER RECORDS

- Treatment records
- Behavior records
- Medical records
- Education records
- Chronological notes
- Other documents

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WHERE RECORDS GO

- Certain information reported to JJIS if required
  - Ex: Discharge from TJJD
- Certain information provided to schools if required by Art. 15.27

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SHARING RECORDS - GENERAL RULES

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## CONFIDENTIAL, EXCEPT WHEN IT'S NOT

- Records and files, including information from which a record could be generated, are confidential
- May be shared only if specifically authorized by law

Family Code 58.005, 58.007

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## LAW ENFORCEMENT RECORDS

A parent whose child was arrested with two other individuals for assault of another juvenile has asked the local police department for a copy of the offense report.

Can the police department give the offense report to the parent?

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## FAMILY CODE 58.007(e)

- Law enforcement records open to inspection and copying by:
  - Juvenile Justice Agency
  - Criminal Justice Agency
  - Child
  - Parent or Guardian



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## FAMILY CODE 58.007(j)

- Before release to child, parent, or guardian, must redact:
  - any personally identifiable information about any other juvenile suspect, offender, victim, or witness
  - any information excepted from required disclosure under Chapter 552, Government Code, or other law

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## COURT RECORDS

An attorney representing one of a juvenile's parents in a divorce case requests records from the court file.

Can the attorney have the records?

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## FAMILY CODE 58.007(b)

Records of:

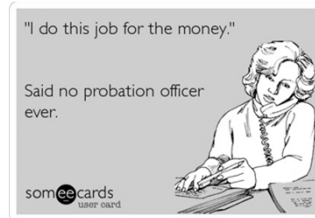
- o JUVENILE COURT
- o CLERK OF COURT,
- o JUVENILE PROBATION DEPARTMENT, or
- o PROSECUTING ATTORNEY

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### OPEN TO INSPECTION OR COPYING BY

- Probation Officers
- Judge
- Court professionals/consultants



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### OPEN TO INSPECTION OR COPYING BY

- Juvenile Justice Agency
  - "an agency that has custody or control over juvenile offenders"



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### OPEN TO INSPECTION OR COPYING BY

- Attorney for a party to the proceeding
  - State
  - Child
  - Parent/spouse/guardian/GAL

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## OPEN TO INSPECTION OR COPYING BY

- 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

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## OPEN TO INSPECTION OR COPYING BY

- Anyone with legitimate interest in the proceeding or work of court
- As long a they have leave of the juvenile court



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## LEGITIMATE INTEREST

Immigration Purposes

Civil action based on juvenile's conduct

Adult Prosecution

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# REQUEST FROM PROSECUTOR

- If adjudication admissible in adult punishment
- Court must provide certified copy to prosecutor

58.007(g)  
Family Code

- 58.007(g)  
Family Code

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## SECTION 3(a), ART. 37.07, CCP

- Generally, allows the state and defense to offer any evidence, including prior criminal record, that the court deems relevant for sentencing.
- Specifically, allows evidence of an adjudication of delinquency of a felony or Class B misdemeanor or higher

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# AIDING APPREHENSION

- If DTA or Warrant, court can release certain information to aid in apprehension

Family Code 58.007(h)

- Family Code 58.007(h)

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### AIDING APPREHENSION

- Information that can be disclosed:
  - Name, Including Alias
  - Description of alleged unlawful conduct

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### AIDING APPREHENSION

- Information that can be disclosed:
  - Physical Description
  - Photograph

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### TREATMENT PROVIDER RECORDS

The juvenile who is now an adult asks for medical records to assist in his application for Social Security Disability.

Can he have the records?

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## FAMILY CODE 58.005

- Applies to public or private agency
- Providing supervision of/having custody of child
- Pursuant to court order or arrangement

TJJD

Other Placement

Post-Adjudication Facility

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## TYPES OF RECORDS

- Applies to all records
- Including:
  - Personally identifiable information
  - Information obtained for treatment

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## MAY BE DISCLOSED TO

- The professional staff or consultants of the agency or institution

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MAY BE DISCLOSED TO

- Judge
- Court Professional Staff/Consultants

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MAY BE DISCLOSED TO

- Probation Officers
- Attorney for the Child

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MAY BE DISCLOSED TO

- Another person/entity to whom the child is referred for treatment or service – must have written confidentiality agreement with disclosing entity
- TDCJ or TJJD for the purpose of maintaining statistical records of recidivism and for diagnosis and classification

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### MAY BE DISCLOSED TO

- Anyone with legitimate interest in the proceeding or work of court
  - As long a they have leave of the juvenile court
- Governmental agency if the disclosure is required or authorized by law

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### AUTHORIZED BY LAW

Subpoena from prosecutor or court

Public Information Act

Access to Education Records

Medical Privacy Laws

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### EDUCATION RECORDS

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## EDUCATION RECORDS

Upon intake, the juvenile probation department contacts the school and asks for information about the child, including information that is confidential.

Can the probation department have the information?

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Can the probation department have the information?

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# EDUCATION RECORDS

- Schools must share education records, including confidential information at request of juvenile service provider if student:
  - Taken into custody under FC 52.01 or
  - Referred to juvenile court for CINS or DC

58.0051, Family Code

- # EDUCATION RECORDS
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- 58.0051, Family Code

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58.0051, Family Code

[illegible]

# EDUCATION RECORDS

- Juvenile Service Provider can only use the information to:
  - verify the identity of a student involved in the juvenile justice system; and
  - provide delinquency prevention or treatment services to the student

58.0051, Family Code

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58.0051, Family Code

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## EDUCATION RECORDS

- JSP can share with JSP under this statute
- May develop MOU
- Cannot violate federal law

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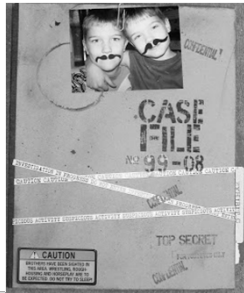
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## NON-EDUCATIONAL RECORDS



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## NON-EDUCATIONAL RECORDS

- Juvenile Service Provider shall share with other JSP upon request
- Only for these purposes:
  - identifying a multi-system youth;
  - coordinating and monitoring care; and
  - improving the quality of juvenile services provided

58.0052, Family Code

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## DETERMINE SENTENCE RECORDS

A reporter requests information related to a determinate sentence case.

Can anything be disclosed to the reporter?

What about in a certification case?

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## DETERMINE SENTENCE RECORDS

- If probation transferred, district clerk's public records consist of only:
  - Petition
  - Grand jury approval
  - Judgment re: DS conduct
  - Transfer Order

Family Code 54.051

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## CERTIFICATION RECORDS

- If certified as adult, district clerk's public record consists of only:
  - Petition for discretionary transfer
  - Order of transfer
  - Order of commitment (to jail or juvenile detention)

Family Code 54.02(s)

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## INFORMATION IN JJIS

A military recruiter requests a copy of the criminal history, including juvenile history, of an individual applying to be accepted into the military.

Can DPS give the recruiter the information?

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Can DPS give the recruiter the information?

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## INFORMATION IN JJIS

- DPS may share with:
  - Military, with permission of juvenile offender
  - Person or entity listed in Gov't Code 411.083
  - Juvenile Justice Agency
  - TJJD for analytical purposes; TJJD Ombudsman
  - County, JP, Muni court exercising jurisdiction over a juvenile for truancy

Family Code 58.101-58.113

- ## INFORMATION IN JJIS
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Family Code 58.101-58.113

[illegible]

RESTRICTED ACCESS

[illegible]

## WHAT IS RESTRICTED?

- TJJD records, if committed
- Juvenile probation department records
- Clerk of court records
- Prosecutor records
- Law enforcement records
- JJIS records

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## INAPPLICABILITY

- Restricted Access does not apply to:
  - Sex offender registration records maintained by DPS or local law enforcement agency
  - Records relating to criminal combination or street gang maintained by DPS or local law enforcement agency

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## EXCEPTION TO RESTRICTED ACCESS

- Restricted Access doesn't apply as long as juvenile is still under juvenile court or TJJD jurisdiction

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## WHEN RELEASE PERMITTED

- DPS may permit access to restricted status JJIS info only to:
  - Criminal justice agency for criminal justice purpose
  - TJJD for research purposes
    - Family Code 58.204(b)

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## WHEN RELEASE PERMITTED

- JPD, CLERK, PROSECUTOR, LAW ENFORCEMENT, TJJD:
  - May only allow access as provided by 58.204(b)
  - Response to requests: No Records Exist

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## RELEASE TO JUVENILE

- May have information in JJIS (summary info) with permission of juvenile court
- May have access to documents to prepare a motion for sealing

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## RELEASE TO OTHERS

- At request of person who is subject of records AND with permission of court
- Any person may have information in JJIS

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## RELEASE TO PARTY TO CIVIL SUIT

- If juvenile has put facts relating to juvenile's record at issue in suit
- Party to a civil suit may have information in JJIS
- With permission of juvenile court

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## RELEASE TO MILITARY

- DPS may release JJIS info
- With permission of juvenile
- If juvenile is an applicant for enlistment

Same as for non-restricted records

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## RELEASE TO MILITARY

- Court, Probation Department, or Prosecutor
- Can share records and files in same manner as if unrestricted
- With juvenile's written permission and
- With leave of court or pursuant to juvenile board guidelines

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## SPRING CLEANING DESTRUCTION

- Physical records and files of closed juvenile cases may be destroyed if criteria met
- "Physical Records and Files" includes entries in computer file or information on microfilm, microfiche, or any other electronic storage media

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## SPRING CLEANING DESTRUCTION

- Court records are NOT authorized to be destroyed under this provision
- If destruction criteria met, others may destroy if given appropriate approval:
  - Probation records – Juvenile Board approval
  - Law enforcement – Head of agency approval
  - Prosecutor – A prosecuting attorney's approval

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## SPRING CLEANING DESTRUCTION

- Paper files may be destroyed if duplicated electronically, even if criteria for total destruction not met
- OAG opinion: GA-1017 (2013)

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## SEALING

- Adjudication vacated (deleted from JJIS and court records)
- Proceeding dismissed and treated as if never occurred (exception: later capital prosecution)

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## CONTACT INFORMATION

Call or email with any questions:

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