

1 **FAMILY CODE**

2  
3 **§51.041. Jurisdiction After Appeal**

4 (a) The court retains jurisdiction over a person, without regard to the age of the person, for  
5 conduct engaged in by the person before becoming 17 years of age if, as a result of an appeal by the  
6 person or the State under Chapter 56 or by the person under Article 44.47, Code of Criminal Procedure,  
7 of an order of the court, the order is reversed or modified and the case remanded to the court by the  
8 appellate court.

9  
10 **§51.10. Right of Assistance of Attorney; Compensation.**

11 (i) The juvenile board may make available to the public its list of all attorneys eligible for  
12 appointment in proceedings under this title as provided in the plan adopted under Section 51.101. The list  
13 of attorneys shall indicate the level of case for which each attorney is eligible for appointment under  
14 Section 51.101(b)(2).

15 (j) If the juvenile court has appointed counsel to represent the child under subsections (f) or  
16 (g), after complying with the requirements of Chapter 61, the juvenile court may order the parent or other  
17 person responsible for support of the child to reimburse the county for the payments it made to appointed  
18 counsel. Payment may be ordered for each attorney who has represented the child, whether at a detention  
19 hearing, discretionary transfer hearing, adjudication hearing, disposition hearing, modification of  
20 disposition hearing, or other hearing, and may include amounts paid to or on behalf of the attorney by the  
21 county for preparation time and investigative and expert witness costs. The order of reimbursement may  
22 not exceed the financial means of the parent or other person responsible for support of the child to meet  
23 on the schedule ordered by the court. The order may require full or partial reimbursement to the county.

24  
25 **§ 51.101. Appointment of Counsel Plan.**

26 (b) A plan adopted under Subsection (a) must:

27 (1) to the extent practicable, comply with the requirements of Article 26.04, Code of Criminal  
28 Procedure, except that:

29 (A) the income and assets of the child's parent or other person responsible for the child's support  
30 must be used in determining whether the child is indigent; and

31 (B) any alternative plan for appointing counsel is established by the juvenile board in the county;  
32 and

1 (2) recognize the differences in qualifications and experience necessary for appointments to cases  
2 in which:

3 (A) the allegation is:

4 (i) conduct indicating a need for supervision ~~or~~ ~~(ii)~~ delinquent conduct, and commitment to the  
5 Texas Youth Commission is not an authorized disposition; or

6 (iii) delinquent conduct, and commitment to the Texas Youth Commission without a determinate  
7 sentence is an authorized disposition;

8 (B) determinate sentence proceedings have been initiated; ~~or~~ ~~(C)~~ proceedings for discretionary  
9 transfer to criminal court have been initiated.

10  
11 **§ 51.13. Effect of Adjudication or Disposition**

12 (d) An adjudication under Section 54.03 that a child engaged in conduct that occurred on or after  
13 January 1, 1996, and that constitutes a felony offense resulting in commitment to the Texas Youth  
14 Commission under Section 54.04(d)(2), (d)(3), or (m) or 54.05(f) is a final felony conviction only for the  
15 purposes of Sections 12.42(a), (b), (c)(1) [~~(e)~~] and (e), Penal Code.

16  
17 **§ 51.17. Procedure and Evidence**

18 (d) When on the juvenile court's motion or the motion of a party, in any proceeding under this  
19 title, it is determined that the child, the child's parent or guardian or a witness does not understand and  
20 speak the English Language, an interpreter must be sworn to interpret for the person in accordance with  
21 the provisions of Art. 38.30, Code of Criminal Procedure.

22 (e) In accordance with the provisions of Art. 38.31, Code of Criminal Procedure, if the court is  
23 notified by a party that the child, the child's parent or guardian or a witness is deaf, in any proceeding  
24 under this title, the court shall appoint a qualified interpreter to interpret the proceedings in any language  
25 that the deaf person can understand, including but not limited to sign language.

26  
27 **§ 52.01. Taking into Custody; Issuance of Warning Notice.**

28 (a) A child may be taken into custody:

29 (1) pursuant to an order of the juvenile court under the provisions of this subtitle;

30 (2) pursuant to the laws of arrest;

31 (3) by a law-enforcement officer, including a school district peace officer commissioned under Section  
32 37.081, Education Code, if there is probable cause to believe that the child has engaged in:

33 (A) conduct that violates a penal law of this state or a penal ordinance of any political subdivision of  
34 this state; ~~or~~

1 (B) delinquent conduct or conduct indicating a need for supervision; or

2 (C) conduct that violates a condition of probation imposed by the juvenile court;

3 (4) by a probation officer if there is probable cause to believe that the child has violated a condition of  
4 probation imposed by the juvenile court; or

5 (5) pursuant to a directive to apprehend issued as provided by Section 52.015.

6  
7 **§52.02. Release or Delivery to Court.**

8 (a) Except as provided by Subsection (c), a person taking a child into custody, without unnecessary  
9 delay and without first taking the child to any place other than a juvenile processing office designated  
10 under Section 52.025, shall do one of the following:

11 (1) release the child to a parent, guardian, custodian of the child, or other responsible adult  
12 upon that person's promise to bring the child before the juvenile court as requested by the court;

13 (2) bring the child before the office or official designated by the juvenile board if there is  
14 probable cause to believe that the child engaged in delinquent conduct ~~or~~ conduct indicating a need for  
15 supervision, or conduct that violates a condition of probation imposed by the juvenile court;

16 (3) bring the child to a detention facility designated by the juvenile board;

17 (4) bring the child to a secure detention facility as provided by Section 51.12(j);

18 (5) bring the child to a medical facility if the child is believed to suffer from a serious physical  
19 condition or illness that requires prompt treatment; or

20 (6) dispose of the case under Section 52.03.

21  
22 **§ 52.027 is repealed.**

23  
24 **§53.013. Progressive Sanctions Program.**

25 ~~[(a)]~~ Each juvenile board may adopt a progressive sanctions program using the model~~[guidelines]~~ for  
26 progressive sanctions in Chapter 59.

27 ~~[(b) A juvenile court or probation department that deviates from the guidelines under Section 59.003~~  
28 ~~shall state in writing the reasons for the deviation and submit the statement to the juvenile board regardless of~~  
29 ~~whether the juvenile board has adopted a progressive sanctions program.]~~

30  
31 **§53.03. Deferred Prosecution.**

32 (i) The court may place a child on deferred prosecution at any time prior to the jury being sworn if a jury  
33 trial, prior to the first witness being sworn if in a trial by the court or, if the adjudication is uncontested, before  
34 the child pleads to the petition or agrees to a stipulation of evidence. The period of the deferred prosecution

1 under this section may be in addition to a previous order of deferred prosecution, but the child may not be  
2 placed on deferred prosecution for a combined period longer than one year.

3  
4 **§54.01. Detention Hearing.**

5 (b) Reasonable notice of the detention hearing, either oral or written, shall be given, stating the time, place,  
6 and purpose of the hearing. Notice shall be given to the child and, if they can be found, to his parents,  
7 guardian, or custodian. Prior to the commencement of the hearing, the court shall inform the parties of the  
8 child's right to counsel and to appointed counsel if they are indigent and of the child's right to remain silent  
9 with respect to any allegations of delinquent conduct ~~or~~ conduct indicating a need for supervision, or conduct  
10 that violates an order of probation imposed by a juvenile court.

11 (m) The detention hearing required in this section may be held in the county of the designated place of  
12 detention where the child is being held even though the designated place of detention is outside the county of  
13 residence of the child or the county in which the alleged delinquent conduct ~~or~~ conduct indicating a need for  
14 supervision or probation violation occurred.

15 (o) The court or referee shall find whether there is probable cause to believe that a child taken into custody  
16 without an arrest warrant or a directive to apprehend has engaged in delinquent conduct ~~or~~ conduct  
17 indicating a need for supervision, or conduct that violates an order of probation imposed by a juvenile court.  
18 The court or referee must make the finding within 48 hours, including weekends and holidays, of the time the  
19 child was taken into custody. The court or referee may make the finding on any reasonably reliable  
20 information without regard to admissibility of that information under the Texas Rules of Criminal Evidence.  
21 A finding of probable cause is required to detain a child after the 48th hour after the time the child was taken  
22 into custody. If a court or referee finds probable cause, additional findings of probable cause are not required  
23 in the same cause to authorize further detention.

24 (p) If a child has not been released under Section 53.02 or this section and a petition has not been filed  
25 under Section 53.04 or 54.05 concerning the child, the court shall order the child released from detention not  
26 later than:

27 (1) the 30th working day after the date the initial detention hearing is held, if the child is alleged to  
28 have engaged in conduct constituting a capital felony, an aggravated controlled substance felony, or a  
29 felony of the first degree; or

30 (2) the 15th working day after the date the initial detention hearing is held, if the child is alleged to  
31 have engaged in conduct constituting an offense other than an offense listed in Subdivision (1) or  
32 alleged to have engaged in conduct that violates an order of probation imposed by a juvenile court.

33 (r) When a child is released from detention by judicial order on conditions authorized by  
34 subsection (f), the court, referee or detention magistrate may order the child's parent, guardian or

1 custodian who is present in court at the detention hearing to engage in acts or omissions specified by the  
2 court that will assist the child in complying with the conditions of release from detention. The order must  
3 be reduced to writing and a copy furnished to the parent, guardian or custodian. An order entered under  
4 this subsection may be enforced as provided in Chapter 61.  
5  
6

7 **§54.023 is repealed.**  
8

9 **§ 54.032. Deferral of Adjudication and Dismissal of Certain Cases on Completion of Teen Court**  
10 **Program**

11 (a) A juvenile court may defer adjudication proceedings under Section 54.03 for not more than  
12 180 days if the child:

13 (1) is alleged to have engaged in conduct indicating a need for supervision that violated a  
14 penal law of this state of the grade of misdemeanor that is punishable by fine only or a penal  
15 ordinance of a political subdivision of this state;

16 (2) waives, under Section 51.09, the privilege against self-incrimination and testifies  
17 under oath that the allegations are true;

18 (3) presents to the court an oral or written request to attend a teen court program; and

19 (4) has not successfully completed a teen court program [~~for the violation of the same~~  
20 ~~penal law or ordinance~~] in the two years preceding the date that the alleged conduct occurred.  
21

22 (f) A court may transfer a case in which proceedings have been deferred as provided by this  
23 section to a court in another [~~a contiguous~~] county if the court to which the case is transferred consents. A  
24 case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.  
25

26 **§ 54.041. Orders Affecting Parents and Others.**

27 (a) When a child has been found to have engaged in delinquent conduct or conduct indicating a need for  
28 supervision and the juvenile court has made a finding that the child is in need of rehabilitation or that the  
29 protection of the public or the child requires that disposition be made, the juvenile court, on notice by any  
30 reasonable method to all persons affected, may:

31 (1) order any person found by the juvenile court to have, by a willful act or omission, contributed to,  
32 caused, or encouraged the child's delinquent conduct or conduct indicating a need for supervision to do  
33 any act that the juvenile court determines to be reasonable and necessary for the welfare of the child or

1 to refrain from doing any act that the juvenile court determines to be injurious to the welfare of the  
2 child;

3 (2) enjoin all contact between the child and a person who is found to be a contributing cause of the  
4 child's delinquent conduct or conduct indicating a need for supervision; ~~or~~

5 (3) after notice and a hearing of all persons affected order any person living in the same household  
6 with the child to participate in social or psychological counseling to assist in the rehabilitation of the  
7 child and to strengthen the child's family environment; or

8 (4) after notice and a hearing of all persons affected order the child's parent or other person  
9 responsible for the child's support to pay all or part of the reasonable costs of treatment programs in  
10 which the child will be required to participate during the period of probation if the courts finds the  
11 child's parent or person responsible for the child's support has the ability to pay the costs.

12  
13  
14 **§ 54.042. License Suspension**

15 (a) A juvenile court, in a disposition hearing under Section 54.04, shall:

16 (1) order the Department of Public Safety to suspend a child's driver's license or permit, or if the  
17 child does not have a license or permit, to deny the issuance of a license or permit to the child if the court  
18 finds that the child has engaged in conduct that violates a law of this state enumerated in Section  
19 521.342(a), Transportation Code; or

20 (2) notify the Department of Public Safety of the adjudication, if the court finds that the child has  
21 engaged in conduct that violates a law of this state enumerated in Section 521.372(a), Transportation  
22 Code.

23 (b) A juvenile court, in a disposition hearing under Section 54.04, may order the Department of Public  
24 Safety to suspend a child's driver's license or permit or, if the child does not have a license or permit, to  
25 deny the issuance of a license or permit to the child, if the court finds that the child has engaged in  
26 conduct that violates Section 28.08, Penal Code.

27 (c) The order under Subsection (a)(1) shall specify a period of suspension or denial that is ~~until the child~~  
28 ~~reaches the age of 19 or for a period of 365 days, whichever is longer.~~

29 (d) The order under Subsection (b) shall specify a period of suspension or denial that is:

30 (1) for a period not to exceed 365 days; or

31 (2) if the court finds the child has been previously adjudicated as having engaged in conduct  
32 violating Section 28.08, Penal Code, ~~until the child reaches the age of 19 or for a period not to exceed~~ of  
33 365 days, whichever is longer.

1 **§ 54.05. Hearing to Modify Disposition**

2 (k) The court may modify a disposition under Subsection (f) that is based on an adjudication [a  
3 finding] that the child engaged in delinquent conduct that violates a penal law of the grade of  
4 misdemeanor if:

5 (1) the child has been adjudicated as having engaged in delinquent conduct violating a penal law  
6 of the grade of felony or misdemeanor on at least one [two] previous occasion[s] before the adjudication  
7 that prompted the disposition that is currently being modified; and

8 (2) [~~of the previous adjudications,~~] the conduct that was the basis [~~for one]~~ of the adjudication[s]  
9 that prompted the disposition that is currently being modified occurred after the date of the [another]  
10 previous adjudication referred to in subpart (1).

11 (l) In accordance with subsection (a), the court may extend a period of probation under this section  
12 at any time during the period of probation or, if a motion for revocation or modification of probation is filed  
13 before the period of supervision ends, before the first anniversary of the date on which the period of probation  
14 expires.

15  
16 **§54.051. Transfer of Determinate Sentence Probation to Appropriate District Court**

17 (e) A district court that exercises jurisdiction over a child transferred under Subsection (d) shall  
18 place the child on community supervision under Article 42.12, Code of Criminal Procedure, for the  
19 remainder of the child's probationary period and under conditions consistent with those ordered by the  
20 juvenile court. The restrictions on a judge placing a defendant on community supervision imposed by  
21 Code of Criminal Procedure article 42.12, Section 3g shall not apply to cases transferred from the juvenile  
22 court. The minimum period of community supervision imposed by Code of Criminal Procedure article  
23 42.12, Section 3(b) shall not apply to cases transferred from the juvenile court.

24 (f) If a child who is placed on community supervision under this subsection violates a condition  
25 of that supervision or if the child violated a condition of probation ordered under Section 54.04(q) and  
26 that probation violation was not discovered by the state before the child's 18th birthday, the district court  
27 shall dispose of the violation of community supervision or probation, as appropriate, in the same manner  
28 as if the court had originally exercised jurisdiction over the case. If the judge revokes community  
supervision, the judge may reduce the prison sentenc

1 eligibility for early discharge from community supervision under Section 20, Article 42.12, Code of  
2 Criminal Procedure.

3 (h) [(#)] The juvenile court may transfer a child to an appropriate district court as provided by this  
4 section without a showing that the child violated a condition of probation ordered under Section 54.04(q).

5 (i) If the juvenile court placed a respondent on probation for an offense for which registration as a  
6 sex offender is required by Chapter 62, Code of Criminal Procedure and under article 62.13, Code of  
7 Criminal Procedure deferred registration until completion of the treatment for the sex offense, the  
8 authority under article 62.13, Code of Criminal Procedure, to re-examine the need for registration upon  
9 completion of treatment is transferred to the court to which probation was transferred.

10 (j) If the juvenile court placed a respondent on probation for an offense for which registration as a  
11 sex offender is required and the respondent has registered, the authority of the court to excuse further  
12 compliance with the registration requirement under article 62.13(l)-(r), Code of Criminal Procedure, is  
13 transferred to the court to which probation was transferred.

14 (k) If the juvenile court exercises jurisdiction over a person who is eighteen years of age or older  
15 under Section 51.041 or 51.0412, the court or jury may if the person is otherwise eligible, place the  
16 person on probation under Section 54.04(q). The juvenile court shall set the conditions of probation and  
17 immediately transfer supervision of the person to the appropriate court exercising criminal jurisdiction for  
18 handling under subsection (e).

19  
20 **§54.07. Enforcement of Order**

21 (a) Except as provided by subsection (b) and except for juvenile court child support orders,  
22 a[A]ny order of the juvenile court may be enforced [by contempt ]as provided in Chapter 61.

23 (b) [The juvenile court may enforce its order for support or for the payment of restitution or  
24 probation fees by civil contempt proceedings after 10 days' notice to the defaulting person of his failure  
25 or refusal to carry out the terms of the order.] Contempt of juvenile court proceedings against a child for  
26 violation of a condition of probation, a condition of deferred prosecution, or a condition of release from  
27 detention are prohibited.

28 (c) [On the motion of the juvenile court or any person or agency entitled to receive  
29 restitution or probation payments or payments for the benefit of a child, the juvenile court may render  
30 judgment against a defaulting person for any amount unpaid and owing after 10 days' notice to the  
31 defaulting person of his failure or refusal to carry out the terms of the order. The judgment may be  
32 enforced by any means available for the enforcement of judgments for other debts.] Nothing in this  
33 section or in Chapter 61 precludes a juvenile court from summarily finding a child or other person in  
34 direct contempt of the juvenile court for conduct occurring in the presence of the judge of that court.



1 Direct contempt of the juvenile court by a child is punishable by a maximum of 10 days' confinement in a  
2 secure juvenile detention facility or by a maximum of 40 hours of community service, or both. No fine  
3 may be imposed on a child for direct contempt of the juvenile court.

4 (d) Nothing in this section or in Chapter 61 precludes a juvenile court in an appropriate case  
5 from using civil or coercive contempt proceedings to enforce its orders.

6  
7 **§ 54.11. Release or Transfer Hearing**

8 (l) The juvenile court shall, pending the conclusion of a transfer hearing, order that the person who is  
9 referred for transfer be detained in a certified juvenile detention facility as provided by Subsection (m).  
10 However, if the person is at least 17 years of age, the juvenile court may order that the person be detained  
11 without bond in an appropriate county facility for the detention of adults accused of criminal offenses.

12 (m) The detention of the person in a certified juvenile detention facility must comply with the  
13 detention requirements under this title, except that, to the extent practicable, the person shall be kept  
14 separate from children detained in the same facility.

15 (n) If the juvenile court orders that a person who is referred for transfer be detained in a county  
16 facility under Subsection (l), the county sheriff shall take custody of the person under the juvenile court's  
17 order.

18  
19 **§56.03. Appeal by state in cases of violent or habitual offenders.**

20 (a) The state is entitled to appeal an order of a court in a juvenile case in which the grand jury has  
21 approved of the petition under Section 53.045 if the order:

22 (1) dismisses a petition or any portion of a petition;

23 (2) arrests or modifies a judgment;

24 (3) grants a new trial;

25 (4) sustains a claim of former jeopardy; or

26 (5) grants a motion to suppress evidence, a confession, or an admission, if jeopardy has  
27 not attached in the case and if the prosecuting attorney certifies to the trial court that the appeal is  
28 not taken for the purpose of delay and that the evidence, confession, or admission is of substantial  
29 importance in the case.

30 (b) The prosecuting attorney may not make an appeal under Subsection (a) later than the 15th day  
31 after the date on which the order or ruling to be appealed is entered by the court.

32 (c) The state is entitled to a stay in the proceedings pending the disposition of an appeal under  
33 Subsection (a)

1 (d) The court of appeals shall give precedence in its docket to an appeal filed under Subsection  
2 (a). The state shall pay all costs of appeal under Subsection (a), other than the cost of attorney's fees for  
3 the respondent.

4 (e) If the respondent is represented by appointed counsel, that counsel shall continue to represent  
5 the respondent as appointed counsel on the appeal. If the respondent is not represented by appointed  
6 counsel, the respondent may seek the appointment of counsel to represent the respondent on appeal. The  
7 juvenile court shall determine whether the parent or other person responsible for support of the child is  
8 financially able to employ an attorney to represent the respondent on appeal. If the court determines that  
9 the parent or other person is financially unable to employ counsel for the appeal, it shall appoint counsel  
10 to represent the respondent on appeal.

11 (f) If the state appeals pursuant to this section and the respondent is not detained, the respondent  
12 shall be permitted to remain at large subject only to the condition that the respondent appear in court for  
13 further proceedings when required by the court. If the respondent is detained, the respondent shall upon  
14 the State's filing of its notice of appeal under this section be entitled to immediate release from detention  
15 on the allegation that is the subject of the appeal. The respondent shall thereafter be permitted to remain  
16 at large regarding that allegation subject only to the condition that the respondent appear in court for  
17 further proceedings when required by the court.

18 (g) The Texas Rules of Appellate Procedure apply to a petition by the state to the Texas Supreme  
19 Court for review of a decision of a court of appeals in a juvenile case.

20 (h) In this section, "prosecuting attorney" means the county attorney, district attorney, or criminal  
21 district attorney who has the primary responsibility of presenting cases in the juvenile court hearing the  
22 case and does not include an assistant prosecuting attorney.

23  
24 **§59.001. Purposes.**

25 The purposes of the progressive sanctions ~~model~~guidelines are to:

- 26 (1) ensure that juvenile offenders face uniform and consistent consequences and punishments that  
27 correspond to the seriousness of each offender's current offense, prior delinquent history, special  
28 treatment or training needs, and effectiveness of prior interventions;
- 29 (2) balance public protection and rehabilitation while holding juvenile offenders accountable;
- 30 (3) permit flexibility in the decisions made in relation to the juvenile offender to the extent allowed by  
31 law;
- 32 (4) consider the juvenile offender's circumstances;
- 33 (5) recognize that departure of a disposition from this model is not necessarily undesirable and in some  
34 cases is highly desirable; and

1           (6[5]) improve juvenile justice planning and resource allocation by ensuring uniform and consistent  
2 reporting of disposition decisions at all levels.  
3

#### 4 **§59.012. Reports by Criminal Justice Policy Council.**

5           (a) The Criminal Justice Policy Council shall analyze trends related to juvenile referrals[;  
6 ~~compliance with the progressive sanctions guidelines;~~] and the impact of [~~the guidelines and related-~~]reforms  
7 on recidivism rates using standard scientific sampling or appropriate scientific methodologies to represent  
8 statewide patterns. The council shall compile other policy studies as determined by the executive director of  
9 the council or as requested by the governor, lieutenant governor, or speaker of the house of representatives to  
10 assist in policy development.

11           (b) The Criminal Justice Policy Council shall report its findings and related recommendations to  
12 improve juvenile justice policies to the governor and the members of the legislature on or before January 15  
13 of each odd-numbered year.

14           (c) The Criminal Justice Policy Council may incorporate its findings and recommendations under  
15 this section into its report required under Section 413.013, Government Code.  
16

#### 17 **§59.015. Waiver of Sanctions on Parents or Guardians.**

18           On a finding by the juvenile court or probation department that a child's parents or guardians have  
19 made a reasonable good faith effort to prevent the child from engaging in delinquent conduct or engaging in  
20 conduct indicating a need for supervision and that, despite the parents' or guardians' efforts, the child  
21 continues to engage in such conduct, the court or probation department shall waive any sanction that may be  
22 imposed on the parents or guardians at any sanction level.  
23

## 24 **Chapter 61. Parental Rights and Responsibilities**

### 25 **Subchapter A. Entry of Orders Against Parents and Other Eligible Persons**

#### 26 **§ 61.001. Proceedings for Entering Court Orders Against Parents and Other Eligible Persons.**

27  
28           (a) This subchapter applies to proceedings to enter court orders (except juvenile court child support  
29 orders) against a parent or other eligible person, including, but not limited to, the following court orders:

30           (1) for payment of probation fees under Section 54.061;

31           (2) for restitution under Sections 54.041(b) and 54.048;

32           (3) for payment of graffiti eradication fees under Section 54.0461;

33           (4) for community service under Section 54.044(b);  
34

1           (5) for payment of costs of court under Section 54.0411 or other provisions of law;

2           (6) requiring the person to refrain from doing any act injurious to the welfare of the child under  
3 Section 54.041(A)(1);

4           (7) enjoining contact between the person and the child who is the subject of proceedings under  
5 the Juvenile Justice Code under Section 54.041(A)(2);

6           (8) ordering a person living in the same household with the child to participate in counseling  
7 under Section 54.041(A)(3);

8           (9) requiring a parent or guardian of a child found to be truant to participate in an available  
9 program addressing truancy under Section 54.041(g);

10          (10) requiring a parent to pay a reasonable attorney's fee for representing the child under Section  
11 51.10(e);

12          (11) requiring the parent to reimburse the county for the payments it has made to an attorney  
13 appointed to represent the child under Section 51.10(j);

14          (12) requiring payment of deferred prosecution supervision fees under Section 53.03(d);

15          (13) requiring a parent or other eligible person to attend a court hearing under Section 51.115;

16          (14) requiring a parent or other eligible person to act or refrain from acting to aid the child to  
17 comply with conditions of release from detention under 54.01(r); and

18          (15) requiring a parent or other eligible person to act or refrain from acting under any other  
19 existing or later added provision of law imposing an obligation of action or omission on a parent or  
20 other eligible person because of their relation to the child who is the subject of proceedings under the  
21 Juvenile Justice Code.

22          (b) The entry and enforcement of child support orders under Section 54.06 is controlled by that  
23 Section and the laws referenced therein.

24          (c) In this chapter, "other eligible person" means the respondent's guardian or custodian and any  
25 other person described in a Juvenile Justice Code provision authorizing the court order.

26  
27 **§ 61.002. Entry of Court Order Against Parent or Other Eligible Person.**

28          (a) The juvenile court may enter an order requiring a parent or other eligible person to act or  
29 refrain from acting if the order is authorized by a provision of the Juvenile Justice Code referenced in  
30 Section 61.001.

31          (b) The juvenile court shall provide sufficient notice in writing or orally in a recorded court hearing  
32 of the proposed order to comply with requirements of due process of law.

33          (c) The juvenile court shall provide a sufficient opportunity for the parent or other eligible person  
34 to be heard regarding the proposed order to comply with requirements of due process of law.

1        (d) The order shall be reduced to writing and a copy promptly furnished to the parent or other  
2 eligible person.

3        (e) The juvenile court may require the parent or other eligible person to provide suitable  
4 identification to be included in the court's file. Suitable identification may include fingerprints, driver's  
5 license number, social security number or similar indicia of identity.

6  
7 **§ 61.003. Appeal.**

8        (a) The parent or other eligible person against whom a final juvenile court order requiring actions  
9 or omissions has been entered may appeal as provided by law from judgments entered in other civil cases.

10        (b) The movant may appeal from a judgment denying relief it has requested regarding an order  
11 against a parent or other eligible person as provided by law from judgments entered in other civil cases.

12        (c) The pendency of an appeal initiated under this section does not abate or otherwise affect the  
13 proceedings in juvenile court involving the child.

14  
15 **Subchapter B. Enforcement of Orders Against Parents and Other Eligible Persons**

16  
17 **§ 61.101. Motion for Enforcement.**

18        (a) When enforcement of a juvenile court order referenced in Section 61.001(a) is sought, the  
19 proceedings shall be initiated by the filing by a party under the juvenile court cause number of a written  
20 motion for enforcement. In ordinary and concise language, a motion for enforcement must:

21                (1) identify the provision of the order allegedly violated and sought to be enforced;

22                (2) state specifically and factually the manner of the person's alleged  
23 noncompliance;

24                (3) state the relief requested by the movant; and

25                (4) contain the signature of the party filing the motion.

26        (b) A motion for enforcement must allege in the same motion noncompliance by the person  
27 with all of the juvenile court orders referenced in Section 61.001(a) of which when the motion was filed  
28 the movant had a reasonable basis for believing were violated.

29        (c) The juvenile court retains jurisdiction to enter a contempt order if the motion for  
30 enforcement is filed not later than six months after the child's 18<sup>th</sup> birthday.

31        (d) On filing a motion for enforcement, the court shall by written notice set the date, time,  
32 and place of the hearing and order the person against whom enforcement is sought to appear and respond  
33 to the motion.

1 **§ 61.102. Notice and Appearance.**

2 (a) The notice of hearing on a motion to enforce shall be given to the person by personal  
3 service or by certified mail return receipt requested of a copy of the motion and notice not later than the  
4 10<sup>th</sup> day before the date of the hearing on the motion. Personal service shall be as authorized by the Texas  
5 Code of Criminal Procedure.

6 (b) If a person specially excepts to the motion for enforcement or moves to strike, the court  
7 shall rule on the exception or motion to strike before it hears evidence on the motion for enforcement. If  
8 an exception is sustained, the court shall give the movant an opportunity to replead and continue the  
9 hearing to a designated date and time without the requirement of additional service.

10 (c) If a person who has been personally served with notice to appear at a hearing does not  
11 appear, the juvenile court shall not hold the person in contempt but may issue a writ of habeas corpus for the arrest of the  
12 person. Bond shall be set and enforced as provided by Chapter 157. If a person served by certified mail  
13 with notice to appear at the hearing does not appear, the juvenile court may require immediate personal  
14 service of notice.

15  
16 **§ 61.103. Attorney for the Person.**

17 (a) In proceedings on a motion for enforcement, the court shall inform a person not  
18 represented by an attorney of the right to be represented by an attorney and, if the person is indigent, of  
19 the right to the appointment of an attorney.

20  
21 (b) If the person claims indigency and requests the appointment of an attorney, the juvenile  
22 court may require the person to file an affidavit of indigency. The court may hear evidence to determine  
23 the issue of indigency.

24 (c) The court shall appoint an attorney to represent the person if the court determines that the  
25 person is indigent.

26 (d) An appointed or retained attorney is entitled to not less than 10 days from the date of the  
27 attorney's appointment or retention to respond to the movant's pleadings and to prepare for the hearing.  
28 The attorney may waive the preparation time or agree to a shorter period for preparation.

29 (e) An attorney appointed to represent an indigent person is entitled to a reasonable fee for  
30 services to be paid from the general fund of the county according to the schedule for the compensation  
31 adopted by the county juvenile board in Class B misdemeanor cases and must meet the qualifications  
32 required of attorneys for appointment to Class B misdemeanor cases in juvenile court. For purposes of  
33 compensation, a proceeding in the Supreme Court of Texas is the equivalent to proceedings in the Texas  
34 Court of Criminal Appeals.

1           (f) The juvenile court may order the parent or other eligible person for whom it has  
2 appointed counsel to reimburse the county for the fees its has paid to appointed counsel.

3  
4 **§ 61.104. Conduct of Enforcement Hearing.**

5           (a) The juvenile court shall require that a record of court proceedings be made as provided  
6 by Section 54.09.

7           (b) The movant must prove beyond a reasonable doubt that the person engaged in conduct  
8 constituting contempt of a reasonable and lawful court order as alleged in its motion for enforcement.

9           (c) The person has a privilege not to be called as a witness or otherwise to be required to  
10 incriminate himself or herself.

11           (d) The enforcement hearing shall be conducted by the juvenile court without a jury.

12           (e) In its judgment, the juvenile court shall include findings as to each violation alleged in  
13 the motion for enforcement and the punishment, if any, to be imposed.

14           (f) If the person was not represented by counsel during court proceedings in which the order  
15 being enforced was entered or in previous enforcement proceedings regarding that order, the person may  
16 through counsel lodge any defense or affirmative defense to the proceedings that could have been lodged  
17 in previous court proceedings but which were not lodged because the person was unrepresented in those  
18 proceedings.

19           (g) It is an affirmative defense to enforcement proceedings that the juvenile court in  
20 proceedings in which it entered the court order in question did not provide the parent or other eligible  
21 person with due process of law.

22  
23 **§ 61.105. Affirmative Defense of Inability to Have Paid.**

24           (a) In an enforcement hearing in which the motion for enforcement alleges that the person  
25 failed to pay restitution, court costs, supervision fees or other money payments ordered by the court, the  
26 fact that the person during a period of nonpayment was unable financially to pay is an affirmative defense  
27 to nonpayment on that occasion.

28           (b) The burden is upon the person to prove the affirmative defense of inability to have paid  
29 by a preponderance of the evidence.

30           (c) Inability to have paid requires a showing that the person could not have reasonably been  
31 expected to have paid more of the court-ordered obligations than actually paid from the resources  
32 available to the person after discharge of the person's legal obligations that existed before entry of the  
33 court order allegedly violated.

1 **§ 61.106. Punishment for Contempt.**

2 (a) Upon a finding of contempt, the juvenile court may commit the person to the county jail  
3 for a term not to exceed six months or may impose a fine in an amount not to exceed five hundred dollars,  
4 or both.

5 (b) Only a single jail sentence and fine may be imposed in a single enforcement proceeding.  
6 Consecutive sentences may not be imposed for multiple findings of contempt made as part of a single  
7 enforcement proceeding. Fines in excess of five hundred dollars may not be imposed for multiple  
8 findings of contempt in a single enforcement proceeding.

9 (c) In enforcement proceedings, the juvenile court may find the person in contempt but in  
10 lieu of issuing a commitment to jail may enter an order requiring future conduct in compliance with the  
11 court's previous orders or future conduct to remedy the failure to comply with the court's previous orders.

12 (d) Violation of an order entered under subsection (c) may be the basis of new enforcement  
13 proceedings.

14 (e) The juvenile court may assign a juvenile probation officer to assist a person required  
15 under subsection (c) to engage in future conduct in complying with the court's orders.

16 (f) A juvenile court may reduce a term of incarceration or remit payment of all or part of a  
17 fine at any time before the sentence is fully served or the fine fully paid.

18 (g) A juvenile court may reduce the burdens of complying with a court order requiring future  
19 conduct at any time before the order is fully satisfied, but may not increase the burdens except following a  
20 new finding of contempt in a new enforcement proceeding.

21  
22 **Subchapter C. Rights of Parents**

23  
24 **§ 61.201. Right to be Informed of Proceedings.**

25 (a) The parent, guardian or custodian of a child referred to the juvenile court is entitled as  
26 soon as practicable after the referral to be informed by staff designated by the juvenile board, based on the  
27 information accompanying the referral to the juvenile court, of

28 (1) the date and time of the offense, the date and time the child was taken into  
29 custody, the name of the offense and its penal category, what type of weapon, if any, was used, the type  
30 of property taken or damaged and the extent of damage, if any, the physical injuries, if any, to the victim  
31 of the offense, whether there is reason to believe that the offense was gang-related, whether there is  
32 reason to believe that the offense was related to consumption of alcohol or use of an illegal controlled  
33 substance, and if the child was taken into custody with adults or other juveniles, the names of those  
34 persons;



1                   (2) the next steps in the process;

2                   (3) if the child is in detention, the visitation policies of the detention facility that  
3 apply to the child;

4                   (4) the child's right to be represented by an attorney and the local standards and  
5 procedures for determining whether the parent qualifies for appointment of counsel to represent the child;

6                   (5) what the parent can do to assist the child in dealing with the legal process.

7               (b) If the child was released on field release citation, or from the law enforcement station by  
8 the police, by intake, or by the judge or associate judge at the initial detention hearing, the information  
9 required by subsection (a) may be communicated in person, by telephone, or in writing.

10               (c) If the child was not released before or at the initial detention hearing, the information  
11 referenced in subsection (a) shall be communicated in person to the parent unless that is not feasible, in  
12 which event it may be communicated by telephone or in writing.

13               (d) Information disclosed to a parent, guardian or custodian under subsection (a) is not  
14 admissible in judicial proceedings under this title as substantive evidence or as evidence to impeach the  
15 testimony of a witness for the State.

16  
17 **§ 61.202. Right of Access to Child.**

18               (a) The parent of a child taken into custody for delinquent conduct, conduct indicating a need  
19 for supervision, or conduct that violates a condition of probation imposed by the juvenile court has the  
20 right to communicate in person privately with the child for reasonable periods of time while the child is in

21                   (1) a juvenile processing office;

22                   (2) a secure detention facility;

23                   (3) a secure correctional facility;

24                   (4) a court-order placement facility; and

25                   (4) the custody of the Texas Youth Commission.

26               (b) The time, place and conditions of the private, in-person communication may be regulated  
27 to prevent undue disruption of scheduled activities and to maintain the safety and security of the facility.

28  
29 **§ 61.203. Parental Written Statement.**

30               (a) When a petition for adjudication, a motion or petition to modify disposition, or a motion  
31 or petition for discretionary transfer to criminal court is served on the parent, guardian, or custodian of a  
32 child, the parent, guardian or custodian must be provided with a document on a form prescribed by the  
33 Texas Juvenile Probation Commission inviting the parent, guardian, or custodian to make a written

1 statement on that form about the needs of the child and family and any other matter relevant to disposition  
2 of the case.

3 (b) The statement shall be returnable to the juvenile probation department, which shall  
4 transmit the statement to the court with the discretionary transfer report authorized by Section 54.02(e),  
5 the disposition report authorized by Section 54.04(b), or the modification of disposition report authorized  
6 by Section 54.05(e), as the case may be. The statement shall be disclosed to the parties as provided by the  
7 appropriate section and may be considered by the court at the disposition, modification or discretionary  
8 transfer hearing for whatever weight the court chooses to give it.

9  
10 **§ 61.204. Parental Oral Statement.**

11 After all the evidence has been received at a hearing for discretionary transfer to criminal court, a  
12 disposition hearing without a jury or a modification of disposition hearing, but before the arguments of  
13 counsel have begun, the court shall give a parent, guardian or custodian who is present in court a  
14 reasonable opportunity to address the court about the needs or strengths of the child and family and any  
15 other matter relevant to disposition of the case. The statement shall not be under oath and shall not be  
16 subject to cross-examination, but the court may seek clarification or expansion of the statement from the  
17 person giving it. The oral statement may be considered by the court for whatever weight the court chooses  
18 to give it.

19  
20 **§ 61.205. Appeal or Collateral Challenge.**

21 The failure or inability of any person to perform an act, to provide a right or service listed under  
22 this subchapter may not be used by the child or any party as a ground for appeal, for a post adjudication  
23 writ of habeas corpus, or as a ground for exclusion of evidence against the child in any proceeding or  
24 forum.

25  
26 **§ 61.206. Liability.**

27 The Texas Youth Commission, a juvenile board, a court, a person appointed by the court, an  
28 employee of a juvenile probation department, an attorney for the state, a peace officer, or a law  
29 enforcement agency is not liable for a failure or inability to provide a right listed in this chapter.  
30

31 **CODE OF CRIMINAL PROCEDURE**

32  
33 **Art. 45.045. Capias Pro Fine**

1 (a) If the defendant is not in custody when the judgment is rendered or if the defendant fails to satisfy the  
2 judgment according to its terms, the court may order a capias pro fine issued for the defendant's arrest.  
3 The capias pro fine shall state the amount of the judgment and sentence, and command the appropriate  
4 peace officer to bring the defendant before the court or place the defendant in jail until the defendant can  
5 be brought before the court.

6 (b) A capias pro fine may not be issued for an individual convicted for an offense committed prior to  
7 becoming age 17 unless:

8 1. The individual is at least 17 years of age;

9 2. The court finds that the issuance of the capias pro fine is justified after considering:

10 (A) the sophistication and maturity of the individual;

11 (B) the criminal record and previous history of the individual;

12 (C) the reasonable likelihood of bringing about the discharge of the judgment through the  
13 use of procedures and services currently available to the court; and

14 3. The court has proceeded under Article 45.050 of this code to compel the individual to  
15 discharge the judgment.

16 (c). Nothing in this article limits the authority of a court to order a child be taken into custody pursuant to  
17 Article 45.058 or Article 45.059.

18  
19 **Art. 45.046. Commitment**

20 (a) When a judgment and sentence have been entered against a defendant and the defendant defaults in  
21 the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law  
22 if the judge determines that:

23 (1) the defendant is not indigent and has failed to make a good faith effort to discharge the fine  
24 and costs [the defendant intentionally failed to make a good faith effort to discharge the  
25 judgment]; or

26 (2) the defendant is indigent and has failed to make a good faith effort to discharge the fine and  
27 costs pursuant to Article 45.049 [the defendant is not indigent].

28 (b) A certified copy of the judgment, sentence, and order is sufficient to authorize such confinement.  
29

30 **Art. 45.050. Failure to Pay Fine; Contempt: Juveniles**

31  
32 **Subsection (b), as amended by HB 1118, is repealed.**

1 (c) If a child fails to obey an order of a justice or municipal court under circumstances that would  
2 constitute contempt of court, the justice or municipal court, after providing notice and an opportunity to  
3 be heard, may:

4 (1) ~~[has jurisdiction to]~~ refer the child to the appropriate juvenile court for delinquent  
5 conduct for contempt of the justice or municipal court order; or

6 (2) ~~[may]~~ retain jurisdiction of the case ~~and~~, hold the child in contempt of the justice or  
7 municipal court, and order either or both of the following:

8 (A) ~~that the contemnor pay [hold the child in contempt of the justice or municipal court~~  
9 ~~order and impose]~~ a fine not to exceed \$500; ~~[or]~~

10 (B) ~~[order]~~ that the Department of Public Safety ~~[to]~~ suspend the contemnor's ~~[child's]~~  
11 driver's license or permit or, if the contemnor ~~[child]~~ does not have a license or permit, to deny the  
12 issuance of a license or permit to the contemnor ~~[child]~~ until the contemnor ~~[child]~~ fully complies with  
13 the orders of the court.

14 (d) A justice or municipal court may hold a person in contempt and impose a remedy authorized  
15 by Subsection (c) if:

16 (1) the person as a child was placed under an order of the justice or municipal court;

17 (2) the person failed to obey the order while the person was 17 years of age or older; and

18 (3) the failure to obey occurred under circumstances that constitute contempt of court.

19 (e) A justice or municipal court may hold a person in contempt and impose a remedy authorized  
20 by Subsection (c) if the person, while younger than 17 years of age, engaged in conduct in contempt of an  
21 order of the justice or municipal court but contempt proceedings could not be held before the person's  
22 17th birthday.

23 (f) [(d)] A court that orders suspension or denial of a driver's license or permit under Subsection  
24 (c)(2)(B) shall notify the Department of Public Safety on receiving proof of compliance [that the child has  
25 fully complied ]with the orders of the court.

26 (g) A justice or municipal court may not refer a child who violates a court order while 17 years of age or  
27 older to a juvenile court for delinquency proceedings for contempt of court.

28  
29  
30 **Art. 45.054, as added by HB 1118, is repealed.**

31  
32 **Art. 45.057. Offenses Committed by Juveniles; Obligations**

1 (a) In this article, "child" has the meaning assigned by Article 45.058(h); “residence” means any place  
2 that the child lives or resides for a period of at least 30 days; and “parent” includes a person standing in  
3 parental relation.

4  
5 (b) On a finding by a justice or municipal court that a child committed an offense that the court has  
6 jurisdiction of under Article 4.11 or 4.14, ~~[other than a traffic offense,]~~ the court has jurisdiction to enter  
7 an order:

8 (1) referring the child or the child's parent, managing conservator, or guardian for services under  
9 Section 264.302, Family Code;

10 (2) requiring that the child attend a special program that the court determines to be in the best  
11 interest of the child and, if the program involves the expenditure of county funds, that is approved by the  
12 county commissioners court, including a rehabilitation, counseling, self-esteem and leadership, work and  
13 job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence  
14 avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy,  
15 or mentoring program; or

16 (3) ~~[if the court finds the parent, managing conservator, or guardian, by act or omission,~~  
17 ~~contributed to, caused, or encouraged the child's conduct,]~~ requiring that the child's parent, managing  
18 conservator, or guardian do any act or refrain from doing any act that the court determines will increase  
19 the likelihood that the child will comply with the orders of the court and that is reasonable and necessary  
20 for the welfare of the child, including :

21 (A) attend a parenting class or parental responsibility program; and

22 (B) attend the child's school classes or functions.

23 (c) The justice or municipal court may order the parent, managing conservator, or  
24 guardian of a child required to attend a program under Subsection (b) to pay an amount not  
25 greater than \$100 to pay for the costs of the program.

26 (d) A justice or municipal court may require a child, parent, managing conservator, or guardian required  
27 to attend a program, class, or function under this article to submit proof of attendance to the court.

28 (e) A justice or municipal court shall endorse on the summons issued to a parent, managing conservator,  
29 or guardian an order to appear personally at the hearing with the child. The summons must include a  
30 warning that the failure of the parent, managing conservator, or guardian to appear may result in arrest  
31 and is ~~[be punishable as]~~ a Class C misdemeanor.

32 (f) An order under this article involving a child is enforceable under Article 45.050.

1 (g) A person commits an offense if the person is a parent, managing conservator, or guardian who fails to  
2 attend a hearing under this article after receiving an order under Subsection (e). An offense under this  
3 subsection is a Class C misdemeanor.

4 (h) ~~[Any other order under this article is enforceable by the justice or municipal court by contempt].~~ Any  
5 child and parent, managing conservator, or guardian required to appear before the court has an obligation  
6 to provide the court in writing with the current address and residence of the child. The obligation does  
7 not end when the child reaches ages 17. The notice of change of address and residence shall be provided  
8 to the court at an address provided to the individual by the officer or the court in writing within 7 days of  
9 changing residence. A violation of this obligation is a Class C misdemeanor and may result in arrest.

10 (1) The obligation to provide notice pursuant to this section shall terminate upon discharge and  
11 satisfaction of the judgment or final disposition not requiring a finding of guilt.

12 (2) In the event of an acceptance of an appeal for a trial de novo by an appellate court, the child  
13 and parent, managing conservator, or guardian shall have the continuing obligation to provide the  
14 required notice to the court having appellate jurisdiction of the case.

15 (3) The court shall notify the child and parent of their obligation under subsection (h) during their  
16 initial appearance before the court. Any peace officer arresting and releasing a child pursuant to Article  
17 45.058(a), shall provide notice in writing of the obligation of the child and parent, managing conservator,  
18 or guardian upon release. Alternatively, any peace officer that issues a citation pursuant to Section  
19 543.003, Transportation Code or Article 14.06(b) of this code, shall provide written notice to the child of  
20 the child's obligation under subsection (h). A copy of subsection (h) constitutes sufficient notification.

21 (i) It is an affirmative defense that the individual was not informed of their obligation pursuant to Article  
22 45.057(h)(3).

23 (j) All orders under this article are enforceable by the justice or municipal court by contempt.

24  
25 **Article 45.060. Unadjudicated Children, Now Adults; Notice Upon Reaching Age of Majority;**  
26 **Offense**

27 (a) Other than ordering an individual to be arrested and taken into nonsecured custody as provided in  
28 Article 45.058 and Article 45.059, an individual may not be taken into secured custody for offenses  
29 alleged to have occurred prior to the individual's 17<sup>th</sup> birthday.

30 (b) After reaching age 17, if the court has utilized all available procedures under this chapter to secure the  
31 individual's appearance to answer allegations made prior to the individual's 17<sup>th</sup> birthday, the court may  
32 issue a notice of continuing obligation to appear by personal service or by mail to the last known address  
33 and residence of the individual required by Article 45.057(h). The notice shall order the individual to  
34 appear at a designated time, place and date to answer the allegations detailed in the notice.

1 (c) Failure to appear as ordered in the notice described in subsection (b) of this article is a Class C  
2 misdemeanor. Violation of this section is independent of alleged violations of either Section 38.10, Penal  
3 Code or Section 543.003, Transportation Code.

4 (d) It shall be presumed that an individual received notice that complies with the requirements of this  
5 section. If written notice is given in accordance with subsection (b) it is presumed that the notice was  
6 received no later than five days after it was sent.

7 (e) It shall be an affirmative defense that the individual was not informed of their obligation pursuant to  
8 Article 45.057(h).

9 (f) A notice of continuing obligation to appear issued pursuant to this article must contain the following  
10 statement provided in bold-faced type or capital letters:

11 “WARNING: COURT RECORDS REVEAL THAT PRIOR TO YOUR 17<sup>TH</sup> BIRTHDAY YOU  
12 WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN  
13 APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOUR ARE  
14 HEREBY NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN  
15 THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE SHALL  
16 CONSTITUTE AN ADDITIONAL OFFENSE AND RESULT IN A WARRANT BEING  
17 ISSUED FOR YOUR ARREST.”

18  
19 **Art. 62.13. Hearing to Determine Need for Registration of a Juvenile**

20 (b) After or during disposition of a case under Section 54.04, Family Code, for adjudication of an  
21 offense for which registration is required under this chapter, the juvenile court on motion of the  
22 respondent shall conduct a hearing to determine whether the interests of the public require registration  
23 under this chapter. The motion may be filed and the hearing held whether the respondent is under 18  
24 years of age or 18 years of age or older.

25 (j) After a hearing under Subsection (b) or under a plea agreement under Subsection (f), the  
26 juvenile court may enter an order deferring decision on requiring registration until the respondent has  
27 completed [~~a sex offender treatment program~~] treatment for the child’s sexual offense as a condition of  
28 probation or while committed to the Texas Youth Commission. The court retains discretion to require or  
29 to excuse registration at any time during the treatment program, or on its successful or unsuccessful  
30 completion. During the period of deferral, registration may not be required. Following successful  
31 completion of the treatment program, registration is excused unless a hearing under this article is held on  
32 motion of the State and the court determines the interests of the public require registration.

33 (n) Only one [A] motion may be filed under Subsection (l) [~~only~~] if a previous motion under this  
34 article has [~~not~~] been filed concerning that case.

1           (q) If the court grants the motion, the clerk of court shall by certified mail, return receipt  
2 requested send a copy of the order to the department, to each local law enforcement authority that the  
3 person has proved to the juvenile court has registration information about the person and to each public or  
4 private agency or organization that the person has proved to the juvenile court has information about the  
5 person that is currently available to the public with or without payment of a fee. The clerk of court shall  
6 by certified mail, return receipt requested send a copy of the order to any other agency or organization  
7 requested by the person with information identifying the agency or organization and its address upon  
8 payment of a fee of \$20 for each agency or organization requested. [a copy of the court's order shall be  
9 sent to each public and private agency or organization that the court determines may be in possession of  
10 sex offender registration information.] The order shall require the recipient to conform its records to the  
11 court's orders either by deleting the information or changing its status to nonpublic, as the order requires.

12           (s) A person required to register as a sex offender in the State of Texas because of an out-of-state  
13 adjudication of delinquent conduct may file in the juvenile court of the person's county of residence in  
14 Texas a petition under subsection (a) for an order to excuse compliance with this chapter. If the person is  
15 already registered as a sex offender in the State of Texas because of an out-of-state adjudication of  
16 delinquent conduct that person may file in the juvenile court of the person's county of residence a petition  
17 under subsection (l) for an order removing the person from sex offender registries in the State of Texas.  
18 Upon receipt of a petition to excuse compliance or for removal, the juvenile court shall conduct a hearing  
19 and make rulings as in other cases under this section. An order entered under this subsection requiring  
20 removal of registration information shall apply only to registration information derived from registration  
21 in the State of Texas.

22  
23 **Art. 62.14. Removing Juvenile Registration Information When Duty to Register Expires**

24           (a) When a person is no longer required to register as a sex offender for an adjudication of  
25 delinquent conduct, the department shall remove all information about that person from its sex offender  
26 registry.

27           (b) The duty to remove under subsection (a) arises if

28                   (1) the department has received notice from a local law enforcement authority under  
29 subsections (c) or (d) that the person is no longer required to register or will no longer be required to  
30 renew registration and the department verifies the correctness of that information;

31                   (2) the juvenile court that adjudicated the case for which registration is required requests  
32 removal and the department determines that the duty to register has expired; or

33                   (3) the person or person's representative requests removal and the department determines  
34 that the duty to register has expired.



1           (c) When a person required to register for an adjudication of delinquent conduct appears before a  
2 local law enforcement authority to renew or modify registration information, the authority shall determine  
3 whether the duty to register has expired. If it determines that the duty to register has expired, it shall  
4 remove all information about that person from its sex offender registry and notify the department the  
5 person's duty to register has expired.

6           (d) When a person required to register for an adjudication of delinquent conduct appears before a  
7 local law enforcement authority to renew registration information, the authority shall determine whether  
8 this is the final annual renew of registration required by law. If it determines that the person's duty to  
9 register will expire before the next annual renewal is scheduled, it shall remove all information about that  
10 person from its sex offender registry upon expiration of the duty to register without request by the person  
11 and notify the department of its actions when it has taken them.

12           (e) When the department has removed information under subsection (a), it shall notify all local  
13 law enforcement authorities that have provided registration information to it about the person of the  
14 action it has taken. A local law enforcement authority that receives notice under this subsection from the  
15 department shall remove all registration information about the person from its registry.

16           (f) When the department has removed information under subsection (a), it shall notify all public  
17 or private agencies or organizations to which it has provided registration information that includes the  
18 person no longer required to register of the action it has taken. Upon receipt of that information, the  
19 public or private agency or organization shall remove all registration information about the person from  
20 any registry it maintains that is accessible to members of the public with or without charge. Failure to  
21 remove registration information within 30 days of receiving notice from the department automatically  
22 bars the agency or organization from obtaining sex offender registration information from any state,  
23 county, or local governmental entity in this state in the future.

24  
25 **Art. 44.47. Appeal of transfer from juvenile court**

26           (b) A defendant may appeal a transfer under Subsection (a) only in conjunction with the appeal of  
27 a conviction of or an order of deferred adjudication for the offense for which the defendant was  
28 transferred to criminal court.

29  
30 **GOVERNMENT CODE**

31  
32 **§ 411.151. Expunction of DNA Records**

33 (a) The director shall expunge a DNA record of a person from the DNA database if the person:

1 (1) notifies the director in writing that the DNA record has been ordered to be expunged under  
2 this section or Chapter 55, Code of Criminal Procedure; and ~~(2)~~ provides the director with a  
3 certified copy of the court order that expunges the DNA record; or  
4 (2) provides the director with a certified copy of the court order sealing a juvenile record of an  
5 adjudication that resulted in the DNA record under Family Code Section 58.003.

6 (b) A person may petition for the expunction of a DNA record under the procedures established under  
7 Article 55.02, Code of Criminal Procedure, if the person is entitled to the expunction of records relating to  
8 the offense to which the DNA record is related under Article 55.01, Code of Criminal Procedure.  
9

## 10 **HUMAN RESOURCES CODE**

### 11 12 **§ 61.073. Records of Examinations and Treatment.**

13 The commission shall keep written records of all examinations and conclusions based on them and of all  
14 orders concerning the disposition or treatment of each child subject to its control. Except as provided by  
15 Section 61.093(c), these records and all other information concerning a child, including personally  
16 identifiable information, are not public and are available only according to the provisions of Section  
17 61.0731, Section 58.005, Family Code and Chapter 61, Code of Criminal Procedure.  
18  
19

### 20 **§ 61.0731. Information Available to Children, Parents and Others.**

21 (a) In the interest of achieving its purposes and protecting the public, the commission may disclose  
22 records and other information concerning a child to the child and the child's parents or guardian only  
23 if the disclosure would not materially harm the treatment and rehabilitation of the child or would not  
24 substantially decrease the likelihood of receiving information from the same or similar sources in the  
25 future. Information concerning a child who is age 18 or older may not be disclosed to the child's  
26 parents without the child's consent.

27 (b) The commission may disclose information regarding a child's location and committing court to a  
28 person having a legitimate need for the information.  
29

### 30 **§ 141.042. Rules Governing Juvenile Boards, Probation Departments, Probation Officers,** 31 **Programs, and Facilities**

32 (a) The commission shall adopt reasonable rules that provide:

1 (1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping,  
2 equipment, and other aspects of the operation of a juvenile board that are necessary to provide  
3 adequate and effective probation services;

4 (2) a code of ethics for probation, detention and corrections officers and for the enforcement of  
5 that code;

6 (3) appropriate educational, preservice and in-service training, and certification standards for  
7 probation, detention and corrections officers or court-supervised community-based program  
8 personnel;

9 (4) minimum standards for public and private juvenile pre-adjudication secure detention facilities,  
10 public juvenile post-adjudication secure correctional facilities that are operated under the  
11 authority of a juvenile board, and private juvenile post-adjudication secure correctional facilities,  
12 except those facilities exempt from certification by Section 42.052(e); and

13 Text of subd. (5) as added by Acts 1997, 75th Leg., ch. 1086, § 37

14 ~~(5) procedures for the implementation of a progressive sanctions program under Chapter 59,~~  
15 ~~Family Code.~~

16 ~~(6) minimum standards for juvenile justice alternative education programs created under Section~~  
17 ~~37.011, Education Code, in collaboration and conjunction with the Texas Education Agency, or~~  
18 ~~its designee.~~

19 (b) In adopting the rules, the commission shall consider local information and evidence gathered through  
20 public review and comment.

21 (c) The commission shall operate a statewide registry for all public and private juvenile pre-adjudication  
22 secure detention facilities and all public and private juvenile post-adjudication secure correctional  
23 facilities except a facility operated or certified by the Texas Youth Commission.

24 (d) The commission shall ~~annually~~ biennially inspect all public and private juvenile pre-adjudication  
25 secure detention facilities and all public and private juvenile post-adjudication secure correctional  
26 facilities except a facility operated or certified by the Texas Youth Commission and shall ~~annually~~  
27 biennially monitor compliance with the standards established under Subsection (a)(4) if the juvenile board  
28 has elected to comply with those standards or shall ~~annually~~ biennially ensure that the facility is certified  
29 by the American Correctional Association if the juvenile board has elected to comply with those  
30 standards.

31 (e) Juvenile probation departments shall use the mental health screening instrument selected by the  
32 commission for the initial screening of children under the jurisdiction of probation departments who have  
33 been formally referred to the department. The commission shall give priority to training in the use of this  
34 instrument in any preservice or in-service training that the commission provides for probation officers.

1 Juvenile probation departments shall report data from the use of the screening instrument to the  
2 commission in a format and in the time prescribed by the commission.

3 ~~(f) The commission shall monitor compliance with alternative referral programs adopted by juvenile  
4 boards under Section 53.01, Family Code.~~

5 ~~(g) Any statement made by a child and any mental health data obtained from the child during the  
6 administration of the mental health screening instrument under this section is not admissible against the  
7 child at any other hearing. The person administering the mental health screening instrument shall inform  
8 the child that any statement made by the child and any mental health data obtained from the child during  
9 the administration of the instrument is not admissible against the child at any other hearing.~~

10 (g) A juvenile board may elect not to accept state aid funding from the commission under Section 141.081  
11 but the board shall comply with all minimum standards adopted by the commission that are applicable to  
12 juvenile probation programs, facilities and services and shall comply with all juvenile justice data  
13 reporting requirements issued by the commission. If a juvenile board elects not to accept state aid  
14 funding and operates or contracts for the operation of a public or private juvenile pre-adjudication secure  
15 detention facility or a public or private juvenile post-adjudication secure correctional facility that is  
16 formally accredited by the American Correctional Association, the juvenile board may elect to comply  
17 with ACA standards and is exempt from complying with the commission's rules governing juvenile  
18 facilities to the extent the commission's rules conflict with ACA standards.

19  
20 **§ 141.049. Complaints Relating to Juvenile Boards**

21 (a) The commission shall keep an information file about each complaint filed with the commission  
22 relating to a juvenile board funded by the commission. The commission shall investigate the allegations  
23 in the complaint and make a determination whether there has been a violation of the commission's rules  
24 related to juvenile probation programs, services or facilities.

25 (b) If a written complaint is filed with the commission relating to a juvenile board funded by the  
26 commission, the commission, at least quarterly and until final disposition of the complaint, shall notify  
27 the complainant and the juvenile board of the status of the complaint unless notice would jeopardize an  
28 undercover investigation.

29  
30 **TRANSPORTATION CODE**

31  
32 **§ 521.3451. Suspension or Denial on Order of Justice or Municipal Court for Contempt of Court;**  
33 **Reinstatement**

1           (a) The department shall suspend or deny the issuance of a license or instruction permit of a  
2 person on receipt of an order to suspend or deny the issuance of the license or permit that is issued by  
3 either a justice or municipal court under Article 45.050, Code of Criminal Procedure.

4           (b) The department shall reinstate a license or permit suspended under subsection (a) or  
5 removal a license or permit denial entered under subsection (a) upon receiving notice from the justice or  
6 municipal court that ordered the suspension or denial that the contemnor has fully complied with that  
7 court's orders.

8 **§729.001. Operation of Motor Vehicle by Minor in Violation of Traffic Laws; Offense.**

9 (a) A person who is younger than 17 years of age commits an offense if the person operates a motor  
10 vehicle on a public road or highway, a street or alley in a municipality, or a public beach in violation of  
11 any traffic law of this state, including:

12           (1) Chapter 502, other than Section 502.282 or 502.412;

13           (2) Chapter 521, other than an offense under Section 521.457;

14           (3) Subtitle C, other than an offense under Section 550.021, 550.022, ~~or~~ 550.024, or 550.025  
15 punishable by fine only;

16           (4) Chapter 601;

17           (5) Chapter 621;

18           (6) Chapter 661; and

19           (7) Chapter 681.

20  
21 **§ 729.001. Operation of Motor Vehicle by Child [~~Minor~~] in Violation of Traffic Laws; Offense**

22 (a) A person who is younger than 17 years of age commits an offense if the person operates a motor  
23 vehicle on a public road or highway, a street or alley in a municipality, or a public beach in violation of  
24 any traffic law of this state, including:

25           (1) Chapter 502, other than Section 502.282 or 502.412;

26           (2) Chapter 521;

27           (3) Subtitle C, other than an offense under Section 550.021, 550.022, or 550.024;

28           (4) Chapter 601;

29           (5) Chapter 621;

30           (6) Chapter 661; and

31           (7) Chapter 681.

32 (b) In this section, "beach" means a beach bordering on the Gulf of Mexico that extends inland from the  
33 line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of  
34 Mexico, or the larger contiguous area to which the public has acquired a right of use or easement to or

1 over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the  
2 public since time immemorial as recognized by law or custom; “child” has the meaning assigned by  
3 Section 51.02, Family Code.

4 (c) An offense under this section is punishable by the fine or other sanction, other than confinement or  
5 imprisonment, authorized by statute for violation of the traffic law listed under Subsection (a) that is the  
6 basis of the prosecution under this section.

7  
8 **§ 729.002. Operation of Motor Vehicle by Child [~~Minor~~] Without License**

9 (a) A person who is younger than 17 years of age commits an offense if the person operates a motor  
10 vehicle without a driver's license authorizing the operation of a motor vehicle on a:

- 11 (1) public road or highway;  
12 (2) street or alley in a municipality; or  
13 (3) public beach as defined by Section 729.001.

14 (b) An offense under this section is punishable in the same manner as if the person was 17 years of age or  
15 older and operated a motor vehicle without a license as described by Subsection (a), except that an  
16 offense under this section is not punishable by confinement or imprisonment.

17  
18 **§ 729.003. Procedure [~~and Jurisdiction~~] in Cases Involving [~~Minors~~] a Child**

19 ~~(a) A person may not plead guilty to an offense under Section 729.001 or 729.002 or to a violation of a~~  
20 ~~motor vehicle traffic ordinance of an incorporated city or town except in open court before a judge. A~~  
21 ~~person may not be convicted of an offense or fined as provided by this chapter or under a municipal~~  
22 ~~traffic ordinance except in the presence of one or both parents or guardians having legal custody of the~~  
23 ~~person. The court shall summon one or both parents or guardians to appear in court and shall require one~~  
24 ~~or both of them to be present during all proceedings in the case. The court may waive the requirement of~~  
25 ~~the presence of parents or guardians if, after diligent effort, the court cannot locate them or compel their~~  
26 ~~presence.~~

27 ~~(b) The provisions of the Code of Criminal Procedure relating to release of a defendant on bail apply to a~~  
28 ~~person charged with a traffic offense under this chapter.~~

29 ~~(c) A person detained for an offense under this chapter shall be detained in a facility that complies with~~  
30 ~~Section 51.12, Family Code.~~

31 ~~(d)~~ A court shall report to the Department of Public Safety a person charged with a traffic offense under  
32 this chapter who does not appear before the court as required by law. In addition to any other action or  
33 remedy provided by law, the department may deny renewal of the person's driver's license under Section  
34 521.310 or Chapter 706. The court also shall report to the department on final disposition of the case.

1 ~~(e) A person may not be committed to a jail in default of payment of a fine imposed under this chapter,~~  
2 ~~but the court imposing the fine shall report the default to the Department of Public Safety. The court also~~  
3 ~~shall report to the department on final disposition of the case.~~

4 ~~(f) The court may order a person convicted of an offense under this chapter to perform a specified number~~  
5 ~~of hours of community service in lieu of a fine.~~

6 ~~(g) An offense under this chapter is within the jurisdiction of the courts regularly empowered to try~~  
7 ~~misdemeanors carrying the penalty provided by this chapter and is not within the jurisdiction of a juvenile~~  
8 ~~court. This chapter does not otherwise affect the powers and duties of juvenile courts.~~

9  
10 **§ 729.004. Fine for Offense in Construction or Maintenance Work Zone**

11 ~~(a) This section applies to an offense under Section 729.001 for a violation of Subtitle C, other than~~  
12 ~~Chapter 548 or 552 or Section 545.412 or 545.413.~~

13 ~~(b) If an offense to which this section applies is committed in a construction or maintenance work zone~~  
14 ~~when workers are present and any written notice to appear issued for the offense states on its face that~~  
15 ~~workers were present when the offense was committed:~~

16 ~~(1) the minimum fine applicable to the offense is twice the minimum fine that would be~~  
17 ~~applicable to the offense if it were committed outside a construction or maintenance work zone; and~~

18 ~~(2) the maximum fine applicable to the offense is twice the maximum fine that would be~~  
19 ~~applicable to the offense if it were committed outside a construction or maintenance work zone.~~

20 ~~(c) In this section, "construction or maintenance work zone" has the meaning assigned by Section~~  
21 ~~472.022.~~

1 **ALCOHOLIC BEVERAGE CODE**

2  
3 **§ 106.071. Punishment for Alcohol-Related Offense by Minor**

4 (d) In addition to any fine and any order issued under Section 106.115:

5 (1) the court shall order a minor placed on deferred disposition for or convicted of an offense to  
6 which this section applies to perform community service for:

7 (A) not less than eight or more than 12 hours, if the minor has not been previously  
8 convicted of an offense to which this section applies; or

9 (B) not less than 20 or more than 40 hours, if the minor has been previously convicted  
10 once of an offense to which this section applies; and

11 (2) the court shall order the Department of Public Safety to suspend the driver's license or permit  
12 of a minor convicted of an offense to which this section applies or, if the minor does not have a  
13 driver's license or permit, to deny the issuance of a driver's license or permit ~~for~~. The Department  
14 shall suspend the driver's license or permit of a minor or, if the minor does not have a driver's  
15 license or permit, to deny the issuance of a driver's license or permit for:

16 (A) 30 days, if the minor has not been previously convicted of an offense to which this  
17 section applies;

18 (B) 60 days, if the minor has been previously convicted once of an offense to which this  
19 section applies; or

20 (C) 180 days, if the minor has been previously convicted twice or more of an offense to  
21 which this section applies.

22  
23 **Comment**

24 This amendment clarifies that DPS will calculate and determine the appropriate period of  
25 suspension or denial of a driver's license for certain offenses after a justice or municipal court convicts  
26 the minor. Justice and municipal courts are not easily able to determine whether a minor has had other  
27 convictions of these offenses because they do not have the capability to find out about other cases outside  
28 the county and therefore cannot accurately place an appropriate suspension period in the court order.  
29 Only DPS can accurately calculate this using the Driver's Record Database.