

TEXAS CODE OF CRIMINAL PROCEDURE

JUVENILE NOTIFICATIONS

As required by statute, the City of Amarillo Municipal Court is providing you with Texas Code of Criminal Procedure Juvenile Notifications. The following is a summary of the applicable law:

Article 45.057. Offenses Committed by Juveniles

(selected subsections)

The article defines a “child” as at least 10 years of age and younger than 17 years of age.

“Residence” is any place where the child lives or resides for a period of at least 30 days.

“Parent” is the person with a parental relationship, or a managing conservator, custodian or legal guardian.

45.057(g) **If a parent fails to attend a court hearing with their child after receiving an order to do so, that parent has committed a Class C misdemeanor offense.**

45.057(h) A child and parent required to appear before the court have an **obligation to provide the court in writing with the current address and residence of the child**. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence, the child or parent must notify the court of the current address in the manner directed by the court. Failure to do so may result in the parent’s arrest for a Class C misdemeanor offense. The obligation ends upon discharge and satisfaction of the judgment or final disposition of the case.

NOTICE OF ADDRESS CHANGE MUST BE MAILED OR DELIVERED TO:

Mail: Amarillo Municipal Court, P.O. Box 1366, Amarillo, Texas 79105

Personal delivery: Amarillo Municipal Court, 201 S.E. Fourth Avenue, Amarillo, Texas

45.057(k) It is a defense under Subsection (h) that the child and parent were not informed of their obligation.

45.057(l) The Municipal Court may enforce its orders under this article by contempt.

Article 45.060. Unadjudicated Children, Now Adults; Notice on Reaching Age of Majority

(selected subsections)

45.060(b) On or after a child's 17th birthday, if the court has used all available procedures to secure the child’s appearance to answer allegations made before the child’s 17th birthday, the court may issue a **notice of continuing obligation to appear** by personal service or by mail to the last known address and residence of the child. The notice must order the child to appear at a designated time, place, and date to answer the allegations detailed in the notice.

45.060(c) Failure of the child to appear as ordered is a Class C misdemeanor offense.

Article 45.0216. Expunction of Certain Conviction Records

(complete article)

- (a) In this article, “child” has the meaning assigned by Section 51.02, Family Code *[ages 10-16.]*
- (b) A person may apply to the court in which the person was convicted to have the conviction expunged as provided by this article on or after the person's 17th birthday if:
- (1) the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code *[misdemeanors punishable by fine only]*, while the person was a child; or
 - (2) the person was convicted only once of an offense under Section 43.261, Penal Code *[electronic transmission of certain visual material depicting a minor.]*
- (c) The person must make a written request to have the records expunged. The request must be under oath.
- (d) The request must contain the person's statement that the person was not convicted of any additional offense or found to have engaged in conduct indicating a need for supervision as described by Subsection (f)(1) or (2), as applicable.
- (e) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.
- (f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:
- (1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and
 - (2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(8), Family Code, while the person was a child.
- (f-1) After entry of an order under Subsection (f), the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.
- (g) This article does not apply to any offense otherwise covered by:
- (1) Chapter 106, Alcoholic Beverage Code *[alcohol offenses committed by persons under 21 years of age]*;
 - (2) Chapter 161, Health and Safety Code *[tobacco offenses]*; or
 - (3) Section 25.094, Education Code *[truancy]*.
- (h) Records of a person under 17 years of age relating to a complaint dismissed as provided by Article 45.051 *[deferred disposition]* or 45.052 *[teen court]* may be expunged under this article.
- (i) The justice or municipal court shall require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article.
- (j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55 *[general expunction statutes]*.