



JUVENILE JUSTICE

Understanding the New Sealing Process

2016
Data Coordinators
Conference



TEXAS
JUVENILE  JUSTICE
DEPARTMENT



Today's Objective

- Juvenile justice personnel will be provided with an overview of juvenile records provisions in Title 3 of the Family Code and related laws as well as recent legislative changes affecting sealing and restricted access.



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The Era of Diminished Confidentiality

- The electronic transformation of juvenile recordkeeping has **diminished the expectation of confidentiality**;
- Policymakers are faced with considering if statutory fidelity to *“removing the taint of criminality”* can be sustained.



■ Juvenile Delinquency Records



Children & the Courts

Offense Jurisdiction

Juvenile Courts

CINS

- Running away
- Paint & Glue Inhalation
- School Conduct – Expulsion
- CINS Prostitution
- CINS Sexting
- Curfew Violations
- Transfers from JP (1st & 2nd)
- Class C Misdemeanors

Delinquent Conduct

- Class B Misdemeanor and Higher
- Contempt of JP/Municipal Court Order
- Alcohol Offenses
- Driving Under Influence by Minor – 3rd Offense

Justice, Municipal & Certain County Courts

- Class C Misdemeanors
- Truant Conduct

Adult Criminal Court

- Certification Transfer from Juvenile Court
- Determinate Sentence Probation Transfers



Paper and Electronic Files



Examples...

- Forms
 - Petitions & Pleadings
 - Court Documents
 - Probation Files
 - Custodial Logs
 - Treatment Documents
 - Incident and Offense Reports
 - Fingerprint Cards
- Electronically stored files, records and indexes; or
 - Records from which a physical file or record could be generated--
 - *Computer Databases & Files;*
 - *Microfilm;*
 - *Microfiche; any other*
 - *Electronic Storage Medium*

TFC 58.0071

Juvenile Justice Information

JJIS Statewide computerized database operated by DPS.

- Statewide Info – Rap Sheets
- Solve crimes via fingerprints
- Facilitate research

JCMS Integrated data and case management system that facilitates data collection and information-sharing.

LJIS Local juvenile information-sharing database.



Key Exceptions to Confidentiality

CONFIDENTIAL, EXCEPT WHEN IT IS NOT

Exceptions to Confidentiality

- Statutory Authorization in Family Code *or other laws*
- Interagency Sharing *FC §§ 58.0051 and 58.0052*
- Permission of Juvenile Court *FC §§ 58.005 and 58.007*
- Dissemination to CJ and Non-CJ *GC 411*
- School Communication *CCP Art.15.27*
- Sex Offender Registration *CCP Art. 62*

■ Protected Status Records



What are Protected Status Records?

- Texas law assigns a special “**protected status**” for confidential juvenile records to prevent or limit disclosures at key procedural stages or after a child exits the system.
- Not sealed, not restricted = **confidential**
- A record is placed on protected status by:
 - **court order**
 - **operation of law**
- Age, nature of the offense, statutory criteria, and subsequent history are also factors.

Juvenile Records

Protected Status & Retention

- Sealing [FC §58.003 and 65.201]
 - Application is no longer required - 2015 
- Restricted Access [FC §58.203]
- Expunction [CCP Chs. 45 and 55, et. al]
- Destruction [FC § 58.006]
- Spring Cleaning Destruction [FC §58.0071]
- Records Retention Schedule [LC 2450 Series]

Sealing of Files and Records

THE BASICS

- Eligible upon finding of **NOT GUILTY**
- Sealing **2 YEARS** after discharge or last action for non-felony offenses.
- Sealing at **AGE 19** for felony adjudications
- *After 9/1/2015 – Sealing Application (i.e., court motion) is no longer required.*



EXCEPT – Not Eligible for

*Determinate Sentence
Certification as an Adult
Sex Offender Registration Records*

- DPS has agreed to send eligibility notifications via the CCH portal;
- **ALL RECORDS** are sent to the court and DPS has 61 days to seal
- TJJ^{D*} statistical data not subject to SEALING ORDER.

Special Sealing Provisions

Drug Court Program Sealing

- Juvenile court may order felony or misdemeanor records sealed upon successful completion of a **drug program**.
FC § 58.003(c-1)

CINS Prostitution Sealing

- Sealing for CINS Prostitution is **mandatory** on the motion of the court. **FC § 58.003(c-3) and (c-4)**

CINS “Sexting” Sealing

- Sealing is permitted upon successful completion of an educational program. **EC § 37.218** or other program.

Victims of Human Trafficking

- Sealing is permitted upon successful completion of a trafficked persons program. **HRC 152.0016**.



Sealing

Subsequent Access

- Juvenile can petition court to reopen [FC §58.003\(h\)](#)
- Prosecutor can apply to reopen for **punishment enhancement** [FC §58.003\(k\)](#)
- DPS can request to reopen for **open carry** license applicants [FC§58.003\(m\)](#)



Sealing Procedures

HB 263/SB 1707

Amended Section 58.003 - Sealing

- Eligibility criteria is **UNCHANGED**.
- Eliminates APPLICATION/MOTION to initiate the process.
- COURT must *determine eligibility* and *provide notice to the prosecutor* that the record is eligible for sealing; and
- No HEARING unless prosecutor requests.

84th



Sealing Eligibility

Department of Public Safety Notifications

84th

DPS will:

- Conduct **daily eligibility searches** of delinquent offense history in JJIS.
- Identify the **persons eligible** for sealing based on criteria in Family Code
- Upload notices to the CJIS web portal.

JPD or Court will:

- Retrieve notices by **logging onto the CJIS website** using county or department ORI number
- Use **ORI Number** to download notification.
- Verify eligibility through JCMS/CCH.
 - **Remember** -- DPS search includes adult history.



Department of Public Safety

Retrieval of CJIS Notifications

Texas Department of Public Safety
Courtesy ~ Service ~ Protection



Criminal Justice Information System

<https://cch.txdps.state.tx.us>

Login

Usage Policy: This is a secure web site. Users may only access this site with an authorized User ID and password. No person is permitted to use this site using another person's User ID and password.

User ID

Login

Request Access

Login-In TIP

Email account must be associated with the juvenile probation department's ORI Number.

Texas Department of Public Safety
PO Box 4143 Austin, Texas 78765-4143
cjis@txdps.state.tx.us
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Notice Regarding Eligibility

DPS Notification

NOTICE REGARDING ELIGIBILITY FOR SEALING OF JUVENILE RECORDS

Applicable to Records Eligible for Sealing on or After September 1, 2015

Under the provisions of Section 58.003, Family Code, the Department of Public Safety (DPS) is notifying the juvenile court or juvenile probation department that the following juvenile record maintained by DPS may be eligible for automatic sealing:

Name: MINOR, DARREANNA

Date of Birth: XXXX-XX-XX

State ID: XXXXXXXX

Date Detained: 201X-05-07

Court Cause Number:

Last Action Agency: TX220025A

Agency Name: TARRANT COUNTY CRIMINAL DISTRICT ATTORNEY

Based solely on the foregoing records, the DPS computerized criminal history search reflects that:

- 1) the most serious adjudicated delinquent conduct offense was a misdemeanor or no delinquent conduct offenses were adjudicated;
- 2) two (2) years have elapsed since discharge;
- 3) since turning 17, the person has not been convicted of a felony offense involving moral turpitude; and
- 4) no pending proceedings seeking conviction.

or

- 1) the most serious adjudicated offense was a misdemeanor;
- 2) the person is at least 19 years of age;
- 3) the juvenile case was not certified for transfer to the State Code;
- 4) since turning 17, the person has not been convicted of a felony; and

This notice is not a final determination of eligibility for sealing. Local verification is required.

Sealing Eligibility

TJJD CINS Notices

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- On the **15th of each month**, TJJD will email notifications to juvenile probation departments;
- **Listing of PIDs** with one or more referrals that are potentially eligible for sealing **based on CINS offense history**.
- **JJIS** contains only Class B and above offenses, and **does not include CINS referrals**.
- **TJJD list is cumulative** and contains referrals potentially eligible for sealing since September 1, 2015.



Sealing Eligibility

TJJD CINS Notices

84th

TJJD NOTIFICATION REGARDING ELIGIBILITY FOR SEALING CINS OFFENSE HISTORY REPORT

Applicable to Records Eligible for Sealing on or After September 1, 2015

The Texas Juvenile Justice Department (TJJD) has prepared this offense history report to assist local juvenile probation departments or juvenile courts in conducting a local verification of eligibility for sealing under the provisions of Section 58.003, Family Code. For purposes of this report, Conduct Indicating a Need for Supervision (CINS) is defined in Section 51.03, Family Code and includes offenses that occurred before, on, or after September 1, 2015.

Based solely on the foregoing records, TJJD's juvenile case management system search reflects that for the juveniles listed:

1. the most serious allegation adjudicated was conduct indicating a need for supervision; or
2. the most serious allegation was conduct indicating a need for supervision and there was no adjudication; and
3. two years have elapsed since the date of final discharge or the last official action in the case if there was no adjudication;
4. the child had no referrals or adjudications for delinquent conduct; and
5. within the preceding 30-day period, there were no pending cases or subsequent offense history reported to TJJD via the electronic data interchange (EDI) that would disqualify the record from being sealed.

THIS IS NOT A CONCLUSIVE OR FINAL DETERMINATION OF ELIGIBILITY FOR AUTOMATIC SEALING OF THE ABOVE JUVENILE RECORD UNDER SECTION 58.003, FAMILY CODE. This notice is based solely on the information reported to and maintained by the Texas Juvenile Justice Department in the statewide juvenile case management system pertaining to juvenile history. Records of juveniles whose history also includes delinquent conduct are NOT included in this notification. Additionally, there may be records that have not been reported to TJJD that may impact sealing eligibility. Local review of such records will be necessary in order for the court to make a final determination regarding eligibility prior to the entry of a court order to seal.

Information regarding the list generated by TJJD:

- The list is cumulative and includes all juveniles with one or more referrals potentially eligible for sealing since September 1, 2015.
- The list is based on data received through the statewide juvenile case management system.
- TJJD will not be notified that a PID has been sealed. Because notification to TJJD is not immediate, a juvenile's record may be included in this list.
- Do not submit additional extracts. Contact your local juvenile probation department for more information.
- The list includes:
 - o the juvenile's ten-digit personal identification number (PID)
 - o the juvenile's date of birth (DOB)
 - o the later of either the date of the juvenile's final discharge or the date of the juvenile's last official action in the case
- For confidentially purposes, the list of juveniles is not to be disseminated to the public.
- TJJD strongly encourages departments to review this list to determine which juveniles are eligible for sealing.

| | A | B | C | D |
|----|------------|---------------|-------------------|--------|
| 1 | PIDNumber | Date Of Birth | Date of Discharge | Agency |
| 2 | 0820001469 | 10/07/1997 | S - 10/08/2013 | Frio |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |

ent to the sealing.

per vision terminated

Effective January 1, 2016
Texas Juvenile Justice Department



■ Frequently Asked Questions



Frequent Question

- *What is the role of the juvenile probation department or court?*
- Retrieve CJIS Notifications
- Local Verification
- Provide notice to prosecutor
- Identify Agencies/Record Holders
- *Note:* Section 58.003(a) specifies that the **juvenile court** shall determine eligibility. Most counties have designated the juvenile probation department to fulfill this role.



Frequent Question

- *What is required of police agencies after they receive a sealing order?*
- *Upon receipt of a sealing order, law enforcement and other listed entities are required to comply with Section 58.003(g), FC. The process has not changed.*
- *The records must be sent to the clerk of court within 61 days.*
 - *(i.e., send records to the clerk before the 61st day after receiving the order.)*



Frequent Question

- *Are sealing notices based on each offense. For example, if only one offense is eligible, can we just seal that one?*
 - Sealing notices apply to the juvenile;
 - Eligibility is based on child's entire history, not individual offenses.
 - Impractical to sort through eligible and ineligible history.





Frequent Question

- *Does DPS use the last official action or the disposition date to determine eligibility?*
 - DPS searches are based on the date of final discharge or last official action (i.e., the date of final discharge from probation, confinement, case closures and dismissals).



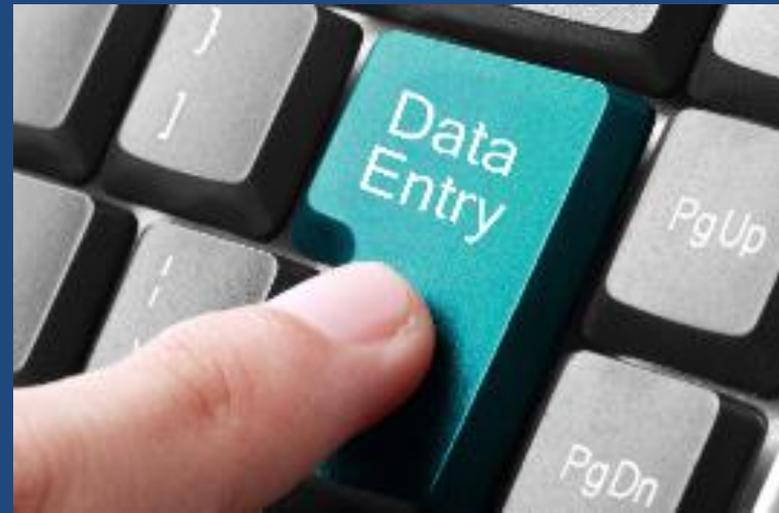
Case Closure Reporting

DPS CR44-J Juvenile Supplemental CH Reporting

- The new automatic sealing process highlights the importance of cleaning up *unreported probation terminations and other case closures*.

CR44-J - Take steps to ensure adequate reporting of case closures. Example entry codes include...

- **643 Probation Termination Code**
- **601 Non-suits**
- **604 Dismissed**
- **635 Dismissed/Completed Deferred**



Disposition Completeness

Reporting - 90 Percent



**TEXAS DEPARTMENT OF PUBLIC SAFETY
JUVENILE SUPPLEMENTAL CRIMINAL HISTORY REPORTING**

PRESS HARD-YOU ARE MAKING THREE COPIES!

| | | | | | | | | | | | | | |
|---|---|---|---------------------------------------|---|----------------------------------|--|---------------------------|----------------------------------|-------------------------------------|---|------------------|----------------------------|--|
| TRN | | DATE OF FINGERPRINTING (DOA) | | DPS NO. (SID) | | DATE OF BIRTH (DOB) | | SEX | | RACE | | | |
| REFERRAL/IDENTIFICATION | NAME (LAST, FIRST, MIDDLE) (NAM) | | | | | | | | | | | | |
| | ADDITIONAL SCARS, MARKS, TATTOOS, AMPUTATIONS (SMT) | | | | | | | | | | LEAVE BLANK | | |
| | ADDITIONAL ALIAS INFORMATION | | | | | | | | | | | | |
| | REFERRING AGENCY ORI | | | REFERRING AGENCY NAME | | | AGENCY ARREST NO. (AGN) | | | AGENCY CASE NO. (OCA) | | FIRE ARM CODE | |
| TRS | GOC | DOMESTIC VIOLENCE OFFENSE? <input type="checkbox"/> | OFFENSE CODE (AON) | | | | | | | | | | |
| OFFENSE LITERAL (AOL) | | | STATUTE CITATION (CIT) | | | LEVEL FELONY (X,1,2,3 or S) MISDEMEANOR (A or B) & DEGREE <input type="checkbox"/> | | DATE OF OFFENSE (DOO) | | WARRANT HOLDER ORI | | | |
| REFERRAL DATE (ADA) | | REFERRAL DISPOSITION NUMERIC (ADN) | | | VICTIM'S AGE (VIC) | | REFERRAL AGENCY ORI (REF) | | PARENT/GUARDIAN NAMES AND TELEPHONE | | | | |
| NAME OF SCHOOL | | | | | | | | | | | | | |
| PREPARED BY, PLI | | | | | | | | | | | | | |
| COURT | ADJUDICATION COURT ORI (ORIC) | | | ADJUDICATION COURT NAME | | | | | | CAUSE NUMBER (CAU) | | | |
| | GOC | DOMESTIC VIOLENCE OFFENSE? <input type="checkbox"/> | ADJUDICATED OFFENSE CODE (CON) | | OFFENSE LITERAL (COL) | | | STATUTE CITATION (CIT) | | DEGREE OF ADJUDICATED OFFENSE FELONY (X,1,2,3 or S) MISDEMEANOR (A or B) <input type="checkbox"/> | | | |
| | FINAL PLEA (FPO) | TRUE <input type="checkbox"/> | NO CONTESTED <input type="checkbox"/> | NOT TRUE <input type="checkbox"/> | COURT ADJUDICATION DATE (CDD) | COURT DISPOSITION DATE (DOS) | | COURT ADJUDICATION NUMERIC (JAN) | | VICTIM'S AGE (VIC) | COURT COST (CST) | | |
| | CONFINEMENT (CMT) | | | INDETERMINATE <input type="checkbox"/> | PROBATION (AMOUNT OF TIME) (CPR) | | RESPONSIBLE ADULT | | | | | | |
| | | | | DETERMINATE <input type="checkbox"/> | _____ Y _____ M _____ D | | | | | | | | |
| | COURT DISPOSITION NUMERIC (JDN) | | | | | COURT PROVISION LITERAL (JDL) | | | | | | | |
| CHECK BOX TO INDICATE DIC-17 DATA IS PRESENT <input type="checkbox"/> | | BEGINNING DATE OF SUSPENSION | | EDUCATION PROGRAMS <input type="checkbox"/> | | DWI DRUGS <input type="checkbox"/> | | EDUCATION REQUIRED | | EDUCATION WAIVED | | REPEAT OFFENDER REQUIRED | |
| | | ENDING DATE OF SUSPENSION | | | | | | EDUCATION COMPLETED | | INTERLOCK REQUIRED | | REPEAT OFFENDERS COMPLETED | |
| PREPARED BY, PLEASE PRINT | | | | | | | | | | | DATE | | |



643



Frequent Question

- What should we do if we receive a DPS notification, but our records show there is disqualifying history.

Contact:

Angie Kendall

Department of Public Safety

Crime Records

Angie.kendall@dps.texas.gov



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Frequent Question

- Will we receive a notification for a youth who is a registered sex offender?
 - DPS matches the SX Offender Registry with the JJIS database.
 - Section 58.003(n), FC did not change. It prohibits sealing until the 10-year duty to register expires . After, the person's name is removed from the SX registry.
 - Assuming no other disqualifying conduct, the automatic sealing notice could likely be triggered.





Frequent Question

- *Does the FBI seal or restrict Texas juvenile records?*
 - Since 2013, when a juvenile record is ordered sealed or restricted at the state level (i.e., JJIS), the corresponding federal level information maintained by the FBI/NCIC is flagged as sealed.



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Frequent Question

- *What if the case was handled informally and there was no cause number?*
 - *CR43-J forms are referred to JJIS and create a statewide record.*
 - *Informal cases without a cause number should be sealed.*
 - *Create a new cause number associated with the sealing order.*





Frequent Question

- *Do we need an order to SEAL Records in JCMS?*
 - Yes, a JUVENILE COURT ORDER is required to seal any electronic or paper record, regardless of the medium.



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JCMS Sealing Instructions

Available Online



Sealing Records in JCMS

Records should be sealed in JCMS when the juvenile probation department receives a court order to seal. Sealing orders may require an offense, a referral or an entire juvenile's folder to be sealed. Sealing a folder removes any identifying information and prohibits the record(s) from being accessed in JCMS, but maintains information for statistical purposes. For example, if an Assault referral is sealed in JCMS, there is no way for the department to access this referral or any associated records; however, both TJJD and JCMS will include this referral and any associated records for reporting purposes. **Do not delete records that are ordered to be sealed.** Deleted records are deleted from both JCMS and from the TJJD database and are therefore excluded from statistical reports.

Sealing a Juvenile's Folder

To seal a juvenile's entire JCMS folder, to do the following:

- Access the juvenile's folder.
- Under Juvenile ID, verify that the folder has a Closed Status.

A screenshot of a juvenile folder record in the JCMS system. The record is for a juvenile named "Test, Juvenile" with a "Restricted" status. The record includes personal information such as Race (White), Sex (Female), and Date of Birth (06/05/1988). It also lists identifiers like JCMS ID (0010001293) and PID (0010003664). The "Status" is highlighted in red and set to "Closed". Other details include "PO Assigned: No Primary PO Assigned" and "PO Unit: No Assigned Unit".

| | | |
|--------------------|--|-------------------------------------|
| No Photo Available | Test, Juvenile Restricted | PO Assigned: No Primary PO Assigned |
| Race: White | Sex: Female | DOB: 06/05/1988 |
| Age: 27yrs 5mos | JCMS: 0010001293 | PID: 0010003664 |
| SID: TSDS: | Status: Closed | PO Unit: No Assigned Unit |
| Anderson | File Location: Anderson County JPD | Case History |

- If the Status is Active, select to Edit the Juvenile container.
- In the Flags section, change the Status to Closed and save the screen.

A screenshot of the "Flags" section in the JCMS system. It contains two checkboxes: "JJAEP Student:" and "Interstate Compact:", both of which are currently unchecked.

| |
|--|
| Flags |
| JJAEP Student: <input type="checkbox"/> |
| Interstate Compact: <input type="checkbox"/> |

Frequent Question

■ *Seal or Destroy?*

- No Probable Cause = **DESTROY**
Section 58.006(a)

- Not True/Not Guilty = **SEAL**
Section 58.003(d)

- Non-Suits/Dismissals = **SEAL**
If case is dismissed for reasons other than lack of probable cause.
Section 58.003(d)



Frequent Question

- What about ICT and Sealing? Which county should seal?
 - With interim transfers, juvenile records are maintained in more than one county (SC/RC).
 - The county that receives the DPS notification and processes the sealing order should list the other ICT county as an entity to receive notice upon the entry of the sealing order. For now, until clarified.



Frequent Question

- What if a *Petition to Reopen* is filed after electronic/JCMS folders have been deleted and paper records sent to the clerk of court?
 - Only three (3) situations in §58.003, FC that authorize “unsealing” Subs. (h) – juvenile; (k) – enhancement; and (m) – open carry.
 - Only the clerk of the court would be required to be responsive to a petition to reopen.





Frequent Questions

- *Where can we find updated sealing orders?*
 - *JLS website - juvenilelaw.org*
- *Why are school districts listed separately in the sealing order?*
 - All other entities must seal all records regarding the child;
 - ISDs only need to seal records that are related to the child's offense history.



Frequent Question

- *Are departments liable for completing a local verification that causes the court to seal or not seal in error?*
 - *Duties performed in good faith and in accordance with the law and SOP will likely be protected under theories of qualified immunity.*
 - *Failure to seal does not impact underlying confidentiality.*
 - *Plaintiff would have to argue negligence, harm, and damages.*



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Frequent Question

- *Is there a Spanish version of the brochure on juvenile records?*
 - *Unfortunately, there is currently no Spanish version available.*
 - *Counties may wish to contact larger counties (e.g., El Paso or Bexar) to see if they have developed a version and are willing to share.*



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Sealing Orders

Juvenile Law Sections Forms

- Sample Sealing Orders and Verification Forms have been developed.
- Incorporates the processes outlined in HB 263/ SB 1707 enacted during the 84th Session.
- Sample forms will be available online at the Juvenile Law Section website www.juvenilelaw.org.

Note -- Should be reviewed by local juvenile court prosecutor or legal counsel for sufficiency and adapted for the county's particular situation or drafting preferences.

■ 84th Session & Juvenile Records

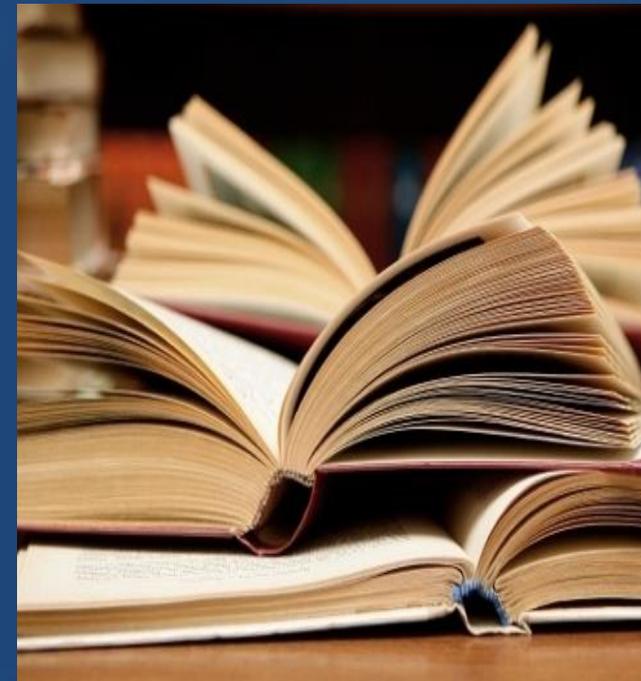


Juvenile Records Advisory Committee

HB 431

- Required the TJJ Board to appoint a juvenile records advisory committee by **December 1, 2015**.
 - *TJJ Board approved the appointments resolution on November 13, 2015.*
 - *JRAC meetings are ongoing.*
- JRAC will develop a plan for studying, reorganizing, and comprehensively revising
 - **Chapter 58, Family Code**
 - **Any relevant juvenile records laws**

84th



MODERNIZATION OF JUVENILE RECORDS

Statutory Goals

The Juvenile Records Advisory Committee will work to:

- Bring statutory authority in line with **technological advances**;
- Facilitate the **seamless information exchanges** between authorized record holders and protect confidentiality;
- **Streamline** protective mechanisms such as **sealing and restricted access**; and
- Uphold the statutory goal of **removing the taint of criminality**.



Projected -- **85th R.S. in 2017**

Truancy Courts

Title 3A

Truancy Courts

In 2015, a new law created civil **truancy courts** to handle school attendance conduct.

- Justice and Municipal Courts
- Constitutional County Courts w/ 1.75m population
- **Truant Conduct** - Occurs when a child fails to attend school for 10 or more days or parts of days within a 6-month period in the same school year.



84th



Expunctions – Failure to Attend

HB 2398

84th

- New Art. 45.0451, Code of Criminal Procedure allows a person with *(former)* Failure to Attend case dismissals or convictions **prior to 9/1/15** to expunge records.
 - **Truancy Offense Records** – include conviction, complaints, verdicts, sentences, and other document, including school district or law enforcement agency records.
- After entry of the order, the conviction or complaint may not be shown or made known for any purpose.
- \$10 fee is **no longer authorized**.



Request for AG Opinion

RQ – 0057 KP

- The Texas Juvenile Justice Department submitted a Request for Opinion to the AG's Office on October 1, 2015 regarding expunctions under **HB 2398**.
- **Question:** Whether justice and municipal court expunction orders apply to juvenile court and probation department records?
- Status: *Issued March 28, 2016*

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AG Opinion

KP-0073

OAG Opinion Summary

- An expunction order issued to a juvenile probation department under Article 45.0541 of the Code of Criminal Procedure **would likely apply to documents in the department's possession as a result of a referral to the juvenile court** for delinquent conduct as defined by subsection 51.03(a)(2) of the Family Code.
- **Bottom Line** -- “Local juvenile probation departments must **determine how to comply** with the court’s expunction order.”
- Seek advice from local counsel on the best approach to be responsive to the expunction orders.

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Sealing – Truancy Conduct

HB 2398

84th

- New Art. 65.201, Family Code (new Title 3A) allows the sealing of truancy court case records for offenses that occur on or after 9/1/2015.
 - At 18, may motion to seal – *not automatic*;
 - After entry, index references removed and files sealed with 30 days;
 - Inquiry Response – “Records Do Not Exist”

Destruction After Age 21

- At 21, may file a motion to destroy. Court has discretion if the person has subsequent felony history.

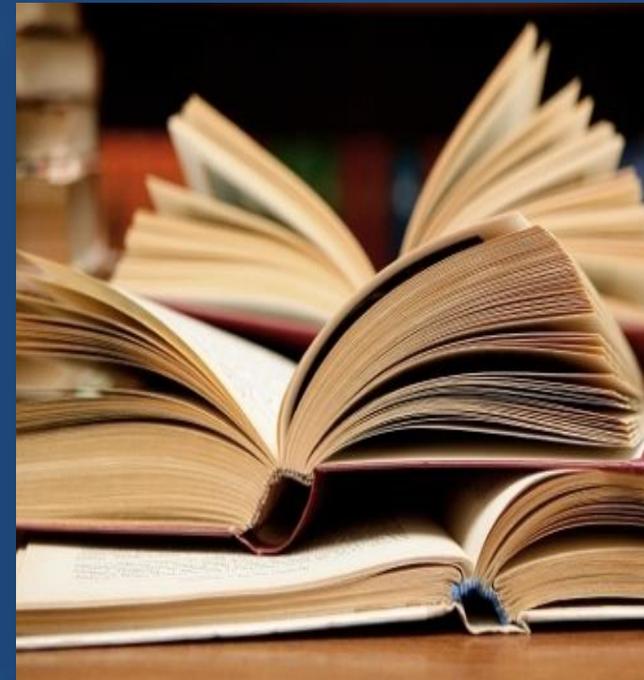


Redacting Victim Information

HB 4003

- New Section 58.004, Family Code requires any **custodian of a juvenile court record** to REDACT identifying information on **minor victim** prior to authorized disclosures.
 - Does not apply information necessary for:
 - Victim services
 - Law Enforcement
 - JCMS and other Case Management Systems

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TEXAS JUVENILE JUSTICE SYSTEM FILES AND RECORDS

A Juvenile's Guide to
Understanding Sealing
and Restricted Access

Informational Brochure

Juvenile Justice System Files & Records: A Juvenile's Guide to Understanding Sealing & Restricted Access

- Available for Download at
www.tjjd.texas.gov

Complies with FC § 58.208



A Publication by the



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DEPARTMENT



2015 Special Legislative Issue

STATE BAR
SECTION REPORT
JUVENILE LAW



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- **TJJD and Juvenile Law Section**
This newsletter contains summaries and intent history of key juvenile justice bills enacted during the 84th Legislative Session.
- The issue also includes an overview of TJJD Appropriations.
- www.juvenilelaw.org

Where to Get More Information

Juvenile Law Section, State Bar of Texas

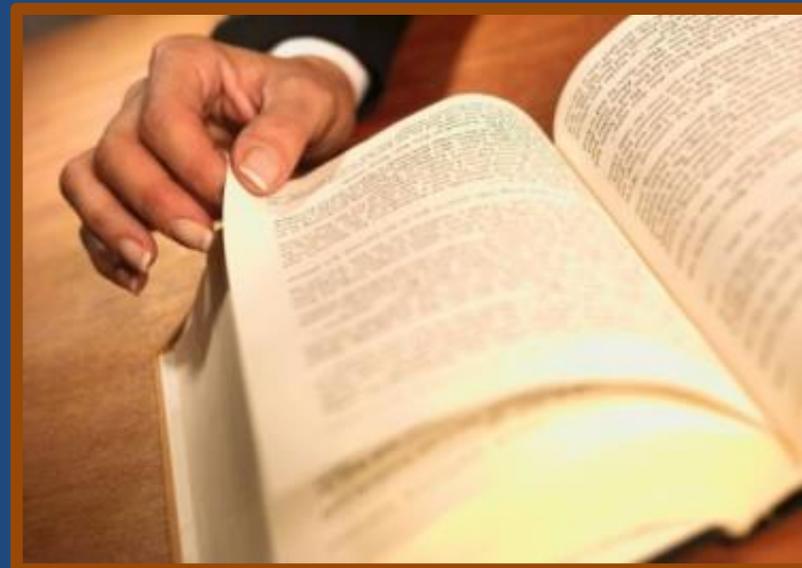
www.juvenilelaw.org

Texas Juvenile Justice Department

www.tjjd.texas.gov

TJJD Legal Help Desk

legalhelp@tjjd.texas.gov

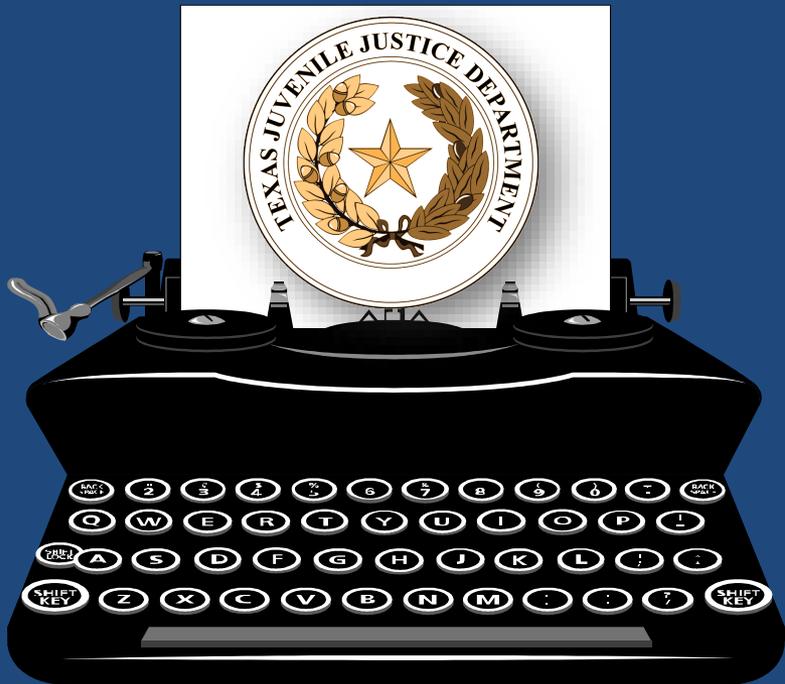


Email Address

legalhelp@tjjd.texas.gov

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THE END