

IN THE MATTER OF

RESPONDENT

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IN THE COUNTY COURT
AT LAW NO. 1
DENTON COUNTY, TEXAS

ADJUDICATION/MODIFICATION/DISPOSITION PACKET

I. EXPLANATION OF RIGHTS

On the date set forth below, prior to the taking of any testimony, the following explanations of the rights of the Respondent and other information was given to the Respondent.

1. The right to be represented by an attorney and to have an attorney appointed in the event of indigency.
2. The right to know the allegations made against Respondent.
3. The right to 2 days' notice of the charges contained in the State's petition.
4. Respondent's attorney has the right to have 10 days to prepare for an adjudication hearing.
5. The right to trial by jury for adjudication and a right to a 12-person jury in a determinate sentence case. A Respondent has no right to a jury for most disposition hearings, motions to modify, and motions to amend, although the right to a contested hearing exists for those matters.
6. The right to have a jury decide any disposition in a determinate sentence case.
7. The right to confront the State's witnesses and the right to compel the presence of witnesses on Respondent's behalf.
8. The privilege against self-incrimination and the right to NOT be a witness against oneself or to otherwise incriminate oneself.
9. The right to know the nature and possible consequences of the proceeding.
 - a. The plea bargain as part of an agreed adjudication is not binding on the court. If the court does not accept the agreement, the plea of "True" and/or Stipulation of Evidence may be withdrawn by the Respondent.
 - b. A finding of delinquency based on a violation of a penal law of the State, whether punishable by imprisonment or by confinement, would give the Respondent a possible lifetime record which could be used against the Respondent in a future sentencing hearing, even one in an adult criminal court.
 - c. If the Respondent has two previous final adjudications for delinquent conduct violating a law of the grade of a felony, under certain circumstances, the Respondent could be found to be a habitual offender after a third felony adjudication and disposition.
 - d. A commitment to the Texas Juvenile Justice Department for a felony offense can be a final felony conviction for purposes of applicable provisions of Penal Code §12.42 and §12.425.

10. For a finding of true upon any CINS, delinquent conduct, or probation violation, the Respondent can lose his/her driving privileges.
11. If Respondent pleads true to a sexual offense, he/she may have an obligation to register as a sex offender.
12. If the Respondent is not a U.S. citizen, he/she has the privilege of talking to the consular general's office of the country he/she is a citizen of, pursuant to the Vienna Convention.
13. Juvenile records are not available to the public. Juvenile records can be available to a prosecuting attorney for enhancement and for sentencing. Juvenile records can be available to immigration authorities. Juvenile records can be made available in a civil lawsuit.

I UNDERSTAND THE ABOVE EXPLANATIONS AND MY RIGHTS

Respondent

Parent/Guardian/Custodian

Parent/Guardian/Custodian

II. WAIVER OF RIGHTS

A. **Respondent:** My attorney and the Judge of the Juvenile Court have explained the foregoing information and rights. I hereby voluntarily, intelligently, and knowingly waive and give up these rights:

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___	___	___	My right against self-incrimination.
___	___	___	My right to a trial by judge for contested adjudication.
___	___	___	My right to a trial by jury for contested adjudication.
___	___	___	My right to confront the State's witness and to bring witnesses on my own behalf for adjudication.
___	___	___	My right to confront the State's witness and to bring witnesses on my own behalf for disposition.
___	___	___	My right to two days' notice of the charges filed in the State's petition.
___	___	___	My right to two days' notice of any trial amendment.
___	___	___	My right to a contested hearing before the judge for modification.
___	___	___	My right to a contested hearing before the judge for disposition.
___	___	___	My right to a jury trial for disposition in a determinate sentencing case.

Respondent

B. **Parent(s)/Guardian(s)/Custodian(s):** I am the Respondent's parent, guardian, or custodian and approve of him/her waiving all rights as set forth above. I further hereby enter my appearance for all purposes, including the assessment of fees, costs, and restitution, if appropriate.

Parent/Guardian/Custodian

Parent/Guardian/Custodian

C. **Attorney for Respondent:**

- I am satisfied that the Respondent understands the explanations given by the Judge of the Juvenile Court. As the Respondent's attorney, I join him/her in the waiver or exercise of rights as set forth above.
- If applicable, I do hereby waive my entitlement to the 10 days to prepare for this hearing.
- If applicable, I agree to the trial amendment offered at trial.

Attorney for Respondent

D. **Judge:** The waivers, if any, as set forth above, are accepted by the Court. The Court finds that any rights waived above were knowingly, intelligently, and voluntarily waived by the Respondent and joined by his/her attorney.

SIGNED ON _____.

Judge Presiding, Denton County Court at Law Number One, Sitting as a Juvenile Court

III. RIGHT TO APPEAL, Language taken from §56.01 Texas Family Code.

The following explanation of the right to appeal is being provided in writing to the Respondent and his/her family by the Presiding Judge, Denton County Court at Law Number One, Sitting as a Juvenile Court. All code sections cited below refer to the Texas Family Code.

- A. An appeal may be taken:
 - (1) except as provided by Section G, by or on behalf of a child from an order entered under:
 - (A) Section 54.02 respecting transfer of the child for prosecution as an adult. This appeal may be made immediately and is accelerated under the Texas Rules of Appellate Procedure applicable to accelerated appeals;
 - (B) Section 54.03 with regard to delinquent conduct or conduct indicating a need for supervision;
 - (C) Section 54.04 disposing of the case;
 - (D) Section 54.05 respecting modification of a previous juvenile court disposition; or
 - (E) Chapter 55 by a juvenile court committing a child to a facility for the mentally ill or intellectually disabled; or
 - (2) by a person from an order entered under Section 54.11(i)(2) transferring the person to the custody of the Texas Department of Criminal Justice in Determinate Sentence cases.
- B. A child has the right to:
 - (1) appeal, as provided by this subchapter;
 - (2) representation by counsel on appeal; and
 - (3) appointment of an attorney for the appeal if an attorney cannot be obtained because of indigency.

- C. If the child and his parent, guardian, or guardian ad Litem express a desire to appeal, the attorney who represented the child before the juvenile court shall file a notice of appeal with the juvenile court and inform the court whether that attorney will handle the appeal. Counsel shall be appointed under the standards provided in Section 51.10 unless the right to appeal is waived in accordance with Section 51.09.
- D. An appeal does not suspend the order of the juvenile court, nor does it release the child from the custody of that court or of the person, institution, or agency to whose care the child is committed, unless the juvenile court so orders. However, the appellate court may provide for a personal bond.
- E. The court may order the child, the child's parent, or other person responsible for support of the child to pay the child's costs of appeal, including the costs of representation by an attorney, unless the court determines the person to be ordered to pay the costs is indigent.
- F. For purposes of determining indigency of the child under this section, the court shall consider the assets and income of the child, the child's parent, and any other person responsible for the support of the child.
- G. A child who enters a plea or agrees to a stipulation of evidence in a proceeding held under this title may not appeal an order of the juvenile court entered under Section 54.03, 54.04, or 54.05 if the court makes a disposition in accordance with the agreement between the state and the child regarding the disposition of the case, unless:
 - (1) the court gives the child permission to appeal; or
 - (2) the appeal is based on a matter raised by written motion filed before the proceeding in which the child entered the plea or agreed to the stipulation of evidence.

IV. Sealing of Records. The Respondent may have the right to have the records of this matter sealed. Sealing is not available for a determinate sentencing case. The Denton County Juvenile Probation Department has been Ordered to provide the Respondent and his/her family the information on sealing.

I HAVE READ AND UNDERSTAND THE ABOVE RIGHT TO APPEAL AND SEALING PROVISIONS:

Respondent

Parent/Guardian/Custodian

Parent/Guardian/Custodian

The above notices of Right to Appeal and Sealing of Records were given to Respondent and his/her family at the conclusion of the hearing.

Judge Presiding, Denton County Court at Law Number One, Sitting as a Juvenile Court

V. Compliance with CCP §39.14. Before the entry of the Respondent's plea of "true" or "no contest" herein, or prior to proceeding toward trial, the Court hereby accepts the parties' Discovery Stipulation, which sets forth the parties' actions with respect to Article 39.14 of the Texas Code of Criminal Procedure. The Court finds that all signatures contained therein were freely and voluntarily made.

Signed on _____.

Judge Presiding, Denton County Court at Law Number One, Sitting as a Juvenile Court