

INFORMATION FOR JUVENILE CASES

PURPOSE

This pamphlet is designed to provide information about criminal court proceedings involving children. It is not a substitute for legal advice from a licensed attorney. If you have questions about your best course of action, what plea you should enter, your rights, or the consequences of a conviction of the offense for which you are charged, you should contact an attorney. Neither the clerk, judge, nor prosecutor can give you legal advice.

APPEARING AND ENTERING A PLEA

Texas law requires that persons under the age of 17 years (at the time of the alleged offense) must appear in open court with a parent or guardian to enter a plea. **You are not allowed to appear by mail or by delivery of a plea or fine to the clerk's office.** You have an absolute right to be accompanied by your retained attorney. Your parent or guardian, however, must still appear with you even if your attorney accompanies you to court. Your first appearance is to determine your plea.

WHEN TO APPEAR IN COURT

If you are a juvenile (under 17 years at the time of the alleged offense) and you have received a citation, the Court will send you and your parents a letter telling you when your court appearance is scheduled. If you cannot appear at that time, you must contact the court for a resetting. All requests to reset or reschedule a hearing must be made in writing. Your resetting is not final until it has been signed by the Judge.

NOTIFICATION OF ADDRESS CHANGE

All court notices will be sent to the address on file. Texas law requires juveniles with a pending Municipal Court case, and their parents to notify the court of their current address. If there is an address change, **the Court must be notified within 7 days of the change.** Failure of the juvenile and parents to notify the court of an address change is a Class C misdemeanor offense.

FAILURE TO APPEAR

If you fail to appear for a hearing, a warrant will be issued for your arrest. The State may also file an additional charge of Failure to Appear.

TRIALS

Juveniles have the same right to trial as adults. After entering your plea, if you request a Bench trial (trial before a judge), you will be given a date and time to appear in the Municipal Juvenile Court for your trial. If you request a jury trial, you will be given a date and time for a pre-trial hearing (held at the Municipal Juvenile Court). At the conclusion of the pre-trial hearing, you will be given a date and time to appear for your jury trial in the downtown Municipal Court. Juries for Municipal Court cases consist of 6 adult jurors. The jury selection process is the same for juveniles as for adults.

ATTORNEYS

Juveniles have the same right as adults to be represented by an attorney in Municipal Court. The City will not appoint an attorney, but you may retain an attorney for any hearing in Municipal Court. If you choose to represent yourself, you will be required to follow all laws and court procedures. Parents may not represent juveniles in Municipal Juvenile Court unless the parent is an attorney.

PENALTIES

If you have entered a plea of guilty or nolo contendere (No Contest), or if you have been found guilty by a judge or jury, a penalty will be assessed. All Municipal Court cases have a fine attached to them. The Court may set the fine at any amount up to the maximum for your case. You may discuss payment options with the court. In some circumstances the court may allow you 30 days to make your payment. You may be placed on a payment plan in which you make monthly payments to the court until your fine and costs are paid in full. If you qualify, you may be allowed to do community service hours to pay off your fine and costs. The court will give you instructions regarding the community service program.

You may also request a deferred disposition (probation) from the court. If your request is granted, you will be given rules, including payment of court costs, to follow for a period of time up to 180 days. If you do everything required and appear for your compliance hearing with proof of compliance, your case may be dismissed. The rules of your deferral may include such things as a case management program, classes, counseling, school attendance, drug testing, teen court program, or other program or condition set by the Court.

In juvenile cases, regardless of the penalty imposed, the court may order certain programs or additional requirements such as school attendance and drug testing. Parents may also be ordered to attend programs or follow certain orders of the court.

CONTEMPT OF COURT

Any person who fails to follow a final court order may be held in contempt of court. A juvenile who fails to follow a court order may be held in contempt of court and charged an additional fine of up to \$500.00. The court may also (in addition to the fine) revoke or deny the juveniles' driver's license until the juvenile fully complies with the court order. The court may also choose to refer the contempt case to the Juvenile Justice Center (juvenile detention). Regardless of the contempt penalty, the original order of the court still stands and must still be complied with in order for the case to be closed.

JUVENILES NOW ADULTS

If you are now over 17 years of age and received a citation for an offense which is alleged to have occurred when you were under 17 years old, you are still subject to the juvenile law for that particular case. If you have questions about how to handle your case, please contact the Municipal Juvenile Court. If you do not resolve your old juvenile cases, you are subject to additional adult charges and penalties.

PROVISIONAL LICENSE HOLDERS AND DEFENSIVE DRIVING

Persons under the age of 25 years who hold a provisional license and request a driving safety course (defensive driving) for a moving violation, are also required by State law to take a driving examination with the Department of Public Safety in order to have their case dismissed. There is a \$10 fee at D.P.S. for the examination.

EXPUNCTION OF RECORDS

A conviction for a juvenile case in Municipal Court is a permanent record. This record does not disappear at any age. The only way to have a record erased is to have the record expunged. There are several laws regarding expunction of juvenile cases in Municipal Court. The age at which an application may be made varies depending upon the type of case. All expunction laws require that the person have only one conviction and that they have fully complied with the court order in the case. An application for expunction may be filed in the Municipal Juvenile Court. There is a \$30 fee for filing the application. A court hearing will be set at which time the judge will decide whether the applicant is eligible for expunction.