

NO. _____

IN THE MATTER OF § IN THE COUNTY COURT AT LAW NO. _____
 § OF FORT BEND COUNTY, TEXAS
_____ § SITTING AS A JUVENILE COURT

JUVENILE ADMONITIONS BY THE COURT

Now comes _____, the above referenced child, attorney for the child, _____ and the parent(s), _____, for the child and acknowledges to the court that they received and fully understand the hereinafter admonishments and that each fully and completely understand the consequences of same, to-wit:

RIGHT TO APPEAL

Section 54.034, Texas Family Code provides as follows:

Before the court may accept a child's plea or stipulation of evidence in a proceeding held under this title, the court shall inform the child that if the court accepts the plea or stipulation and the court makes a disposition in accordance with the agreement between the state and the child regarding the disposition of the case, the child may not appeal an order of the court entered under Section 54.03, 54.04, or 54.05 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.

**RECORDS OF ADJUDICATION MAY BE USED AGAINST
THE CHILD AT FUTURE SENTENCING HEARINGS,
EVEN WHEN THE CHILD BECOMES AN ADULT**

The adjudication of delinquency based on a violation of a felony grade penal law will result in the child having a record, possibly for the remainder of the child's life, a record which may be admissible against the child at a future sentencing hearing, even when the child becomes an adult.

Article 37.07(a), Texas Code of Criminal Procedure provides in part as follows:

...evidence may be offered by the state and the defendant of any adjudication of delinquency based on a violation by the defendant of a penal law of the grade of:

- (1) a felony; or
- (2) a misdemeanor punishable by confinement in jail.

**RECORDS OF ADJUDICATION MAY BE USED
AGAINST THE CHILD, EVEN WHEN
THE CHILD BECOMES AN ADULT, AS A REPEAT
OFFENDER AND HABITUAL FELONY OFFENDER**

Section 51.13(d), Texas Family Code provides that adjudication of delinquency under Section 54.03, Texas Family Code that a child engaged in conduct that constitutes a felony offense resulting in commitment to the Texas Youth Commission under Section 54.04(d)(2),(d)(3),(m), or 54.05(f), Texas Family Code, is a final felony conviction only for the purpose of Sections 12.42(a) - (c) and (e), Penal Code which provides as follows:

- (a)
 - (1) If it is shown on the trial of a state jail felony punishable under Section 12.35(a) that the defendant has previously been finally convicted of two state jail felonies, on conviction the defendant shall be punished for a third-degree felony.
 - (2) If it is shown on the trial of a state jail felony punishable under Section 12.35(a) that the defendant has previously been finally convicted of two felonies, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction the defendant shall be punished for a second-degree felony.
 - (3) If it is shown on the trial of a state jail felony punishable under Section 12.35(c) or on the trial of a third-degree felony that the defendant has been once before convicted he shall be punished for a second-degree felony.

- (b) If it is shown on trial of a second-degree felony that the defendant has been once before convicted of a felony, on conviction he shall be punished for a first-degree felony.
- (c) If it is shown on the trial of a first-degree felony that the defendant has been once before convicted of a felony, on conviction he shall be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.
- (d) A previous conviction for a state jail felony punished under Section 12.35(a) may not be used for enhancement purposes under Sub-section (b), (c), or (d).

HABITUAL FELONY CONDUCT

Section 51.031, Texas Family Code provides what constitutes Habitual Felony Conduct by a juvenile:

Habitual felony conduct is conduct violating a penal law of the grade of felony, other than a state jail felony, if

- (1) the child who engaged in the conduct has at least two previous adjudications as having engaged in delinquent conduct violating a penal law of the grade of felony; and
- (2) the second previous adjudication is for conduct that occurred after the date the first previous adjudication became final.

HABITUAL OFFENDERS

Section 53.045, Texas Family Code provides that any future felony charges brought against a child as a juvenile could cause the child to be tried on these charges for Habitual Felony Conduct under the Texas Determinate Sentencing laws and subject the child to be sentenced on these future charges up to 40 years in a combined sentence to the Texas Youth Commission and the Institutional Division of the Texas Department of Criminal Justice as a habitual offender. Section 53.045(a), Texas Family Code provides in part as follows:

Except as provided by Subsection (e) of this section, the prosecuting attorney may refer the petition to the grand jury of the county in which the court in which the petition is filed presides if the petition alleges that the child engaged in delinquent conduct that constitutes habitual felony conduct as described by Section 51.031....

REGISTRATION AS A SEXUAL OFFENDER

If the child is adjudicated for committing a sexual offense, the child will be required to register with the local law enforcement agency where the child resides for more than seven days as a sexual offender for ten years after the child exit the juvenile justice system. (See Chapter 62 of the Texas Code of Criminal Procedure).

If a child is adjudicated as having engaged in delinquent conduct based on a violation of an offense for which an adjudication requires registration as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure, the child shall be required, within 30 days of release or written notice, to apply to the Texas Department of Public Safety for an original driver's license or the renewal of a current driver's license or an identification certificate; and, such license or certificate must be renewed annually for the duration of the child's requirement to register as a sex offender. (See Chapter 42.016 of the Texas Code of Criminal Procedure).

LOSS OF TEXAS DRIVER'S LICENSE

If the child is adjudicated for committing an alcohol or drug offense, the child will lose his/her Texas Driver's License or his/her right to obtain one, until the child's 19th birthday. (See Section 54.042, Texas Family Code).

SEALING OF RECORDS

As provided in Section 58.003, Texas Family Code, the child in this proceeding may be eligible in the future to have his or her juvenile record sealed. To be eligible, the child must make an application with this court within the time set out in the Family Code, give notice to the necessary agencies as set out in the Code, and not commit any future offenses of the grade of felony or a misdemeanor involving moral turpitude, during the time mentioned in the Code. (Attached hereto and made a part hereof for all purposes is a copy of Section 58.003, Texas Family Code).

RIGHT TO REMAIN SILENT

The child has the right to remain silent, anything that the child says at this hearing can and will be used against the child in a court at law and in this trial.

RIGHT TO BE REPRESENTED BY AN ATTORNEY

The child has the right to be represented by an attorney, and if the child is too poor to hire an attorney, the child has the right to ask the court to appoint an attorney to represent the child.

WITNESSES AT TRIAL

The child has the right to call witnesses for this trial, to cross-examine and confront the State's witnesses, and the right to subpoena witnesses on his or her own behalf.

BURDEN OF PROOF

The burden of proof in this case rests upon the State of Texas and the State is required to prove beyond reasonable doubt that the child has engaged in delinquent conduct or conduct indicating a need for supervision. The burden of proof never shifts to the child and the child is presumed innocent of all allegations made against the child by the State of Texas.

ACKNOWLEDGMENT OF CHILD

On this ____ day of _____, 20____, the undersigned child states that I have reviewed the above stated admonitions with my attorney, I understand the admonitions, and I am aware of the consequences that (1) the record of my adjudication in this case may be used against me at some further sentencing hearing, even when I become an adult, should I be convicted for the violation of a felony grade penal law; and (2) the records of my adjudication that constitutes a felony offense resulting in my commitment to the Texas Youth Commission my be used against me, in future sentencing hearings, even as an adult, as a repeat and habitual felony offender, should I be convicted for the violation of a felony grade penal law as an adult. (3) should future felony charges be brought against me, I could be charged and tried for habitual felony conduct as a juvenile and sentenced up to 40 years in a combined sentence to the Texas Youth Commission and the Institutional Division of the Texas Department of Criminal Justice as a habitual offender, (4) I have received a copy of Section 58.003, Texas Family Code regarding the sealing of the juvenile records in this case; (5) I have the right to remain silent and anything that I say at this trial can be used against me; (6) I have the right to any attorney at this trial; (7) I have the right to call witnesses for this trial, to

cross-examine and confront the State's witnesses and the right to subpoena witnesses on my own behalf; (8) the burden of proof in this case rest upon the State and the State must prove beyond a reasonable doubt that I have engaged in delinquent conduct (or conduct indicating a need of supervision). The burden of proof never shifts to me and I am presumed innocent of all allegations made against me by the State; (9) if the offense charged against me is a sexual offense, I will have to register with local law enforcement agencies as a sexual offender; and (10) if the offense charged against me is an alcohol or drug offense, I will lose my Texas Driver's License or right to obtain one.

_____, Child

ACKNOWLEDGMENT OF PARENT/GUARDIAN

Came this _____ day of _____, 20_____, the undersigned parent(s)/guardian state that I have reviewed the above stated admonitions, I understand the admonitions, and I am aware of the consequences that (1) the child's records of adjudication in this case may be used against the child in come future sentencing hearing, even when the child becomes an adult, should the child be convicted for the violation of a felony grade penal law as an adult; and (2) the records of the child's adjudication that constitutes a felony offense resulting in the child's commitment to the Texas Youth Commission may be used against the child in future sentencing hearings, even as an adult, as a repeat and habitual felony offender, should he be convicted for the violation of a felony grade penal law as an adult. (3) should future felony charges be brought against the child, the child could be charged and tried for Habitual Felony Conduct as a juvenile and sentenced up to 40 years in a combined sentence to the Texas Youth Commission and the institutional Division of the Texas Department of Criminal Justice as a habitual offender; (4) I understand that the child can request the sealing of the juvenile records in this cause pursuant to the Texas Family Code; (5) the child has the right to remain silent and anything the child says at this trial can be used against the child; (6) the child has a right to an attorney at this trial; (7) the child has the right to call witnesses for this trial, to cross-examine and confront the State's witnesses and the right to subpoena witnesses on his or her behalf; (8) the burden of proof in this case rest upon the State and the State must prove beyond a reasonable doubt that the child has engaged in delinquent conduct (or conduct indicating a need for supervision). The burden of proof never shifts to the child and the child is presumed innocent of all allegations made against the child by the State; (9) if the offense charged against the child is a sexual offense, the child will be required to register with local law enforcement agencies; and (10) if the offense charged

against the child is an alcohol or drug offense, the child will lose his\her Texas Driver's License or right to obtain one.

Parent/Guardian

Parent/Guardian

ACKNOWLEDGMENT OF ATTORNEY

On this _____ day of _____, 20____, the undersigned attorney states that I have reviewed the above stated admonishments with the said child and the child understood same and is aware of the consequence of same.

Attorney

Subscribed and sworn to before me, the undersigned authority, by the child, parent(s)/guardian, and attorney, this the _____ day of _____, 20____.

Laura Richard, County Clerk
Fort Bend County, Texas

By _____
Deputy

INTENSIVE SUPERVISION
INDIVIDUAL PROGRAM PLAN

1. Academic Education: **I will attend my Jr. High/High School and complete my grade level and perform my school work to the best of my ability. I will also turn in weekly progress reports.**
2. Home Discipline: **I will abide by the rules set forth by my parents. I am required to clean my room and perform other chores promptly when asked.**
3. Supervision: **I will be supervised by either my father/mother/guardian. I understand that I must inform them of my whereabouts at all times. I must report weekly.**
4. Security: **My curfew is set out in the Court's Order of Curfew.**
5. Counseling Needs: **I will be attending regular counseling as prescribed by the Juvenile Probation Department. I will participate in other services as deemed necessary by my probation officer.**
6. Medical/Dental: **My medical/dental needs are the responsibility of my parents/guardian. No known problems exist that would interfere with my probation and this I.S.P. Contract.**
7. Daily Living Conditions (Food, Clothing, Etc.): **My daily living necessities are also the responsibility of my parents.**
8. Goals:
 - A. **I will strive to complete my education. I will do all assignments and daily work to obtain this goal.**
 - B. **I will maintain full-time employment in lieu of school if applicable or submit an application at least twice (2) weekly.**
 - C. **My appearance will be good and courteous. I will improve my attitude toward others and learn how to deal with feelings appropriately through counseling if required.**
 - D. **I will also remain sober and drug-free and not use any drugs or alcohol. Must submit to urinalysis as requested by the probation officer or as ordered by the Judge.**

E. Attend Motivational Boot Camp.

I, _____, am the parent/guardian of _____
_____. I fully understand this contract and realize that this may be a final option before other actions for residential placement will be taken.

CHILD

DATE

PARENT OR GUARDIAN

DATE

INTENSIVE SUPERVISION P.O.

DATE

CHIEF PROB. OFFICER/ASST. CHIEF
PROB. OFFICER

DATE

JUDGE (IF COURT ORDERED)

DATE