

**NOTICE OF RIGHT TO PETITION COURT TO SEAL FILES**  
**TEXAS FAMILY CODE**  
**Section 58.003 Sealing of Records**

(a) Except as provided by Subsections (b) and (c), on the application of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine whether the person engaged in delinquent conduct or conduct indicating a need for supervision, on the juvenile court's own motion or in receipt of a certification from the Department of Public Safety of the State of Texas that the records of a person are eligible for sealing under this section, the court shall order the sealing of the records in the case if the court finds that:

- (1) two years have elapsed since final discharge of the person or since the last official action in the person's case if there was no adjudication; and
- (2) since the time specified in Subsection (1), the person has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

(b) A court may not order the sealing of records of a person who has received a determinate sentence from engaging in delinquent conduct that violated a penal law listed in Section 53.045 or engaging in habitual felony conduct as described by Section 51.031.

(c) Subject to Subsection (b), a court may order the sealing of records concerning a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony only if:

- (1) the person is 19 years of age or older;
- (2) the person was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution;
- (3) the records have not been used as evidence in the punishment phase of a criminal proceeding under Section 3(a), Article 37.07, Code of Criminal Procedure; and
- (4) the person has not been convicted of a penal law of the grade of a felony after becoming age 17.

(d) The court may grant the relief authorized in Subsection (a) at any time after final discharge of the person or after the last official action in the case if there was no adjudication. If the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, the court shall immediately order the sealing of all files and records relating to the case.

(e) reasonable notice of the hearing shall be given to:

- (1) the person who made the application or who is the subject of the records named in the motion;
- (2) the prosecuting attorney for the juvenile court;
- (3) the authority granting the discharge if the final discharge was from an institution or from parole;

- (4) the public or private agency or institution having custody of records named in the application or motion; and
- (5) the law enforcement agency having custody of files or records named in the application or motion.

**(f)** A copy of the sealing order shall be sent to each agency or official named in the order.

**(g)** On entry of the order:

- (1) all law enforcement, prosecuting attorney, clerk of court, and juvenile court records ordered sealed shall be sent to the court issuing the order;
- (2) all records of a public or private agency or institution ordered sealed shall be sent to the court issuing the order;
- (3) all index references to the records ordered sealed shall be deleted;
- (4) the juvenile court, clerk of the court, prosecuting attorney, public or private agency or institution, and law enforcement officers and agencies shall properly reply that no record exists with respect to the person on inquiry in any matter; and
- (5) the adjudication shall be vacated and the proceeding dismissed and treated for all purposes other than a subsequent capital prosecution, including the purpose of showing a prior finding of delinquent conduct, as if it had never occurred.

**(h)** Inspection of the sealed records may be permitted by an order of the juvenile court on the petition of the person who is the subject of the records and only by those persons named in the order.

**(i)** On the final discharge of a child or on the last official action in the case if there is no adjudication, the child shall be given a written explanation of the child's rights under this section and a copy of the provisions of this section.

**(j)** A person whose records have been sealed under this section is not required in any proceeding or in any application for employment, information, or licensing to state that the person has been the subject of a proceeding under this title and any statement that the person has never been found to be a delinquent child shall never be held against the person in any criminal or civil proceeding.

**(k)** A prosecuting attorney may, on application to the juvenile court, reopen at any time files and records of a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony sealed by the court under this section for the purpose of sections 12.42(a)-(c) and (e), Penal Code.

**(l)** On the motion of a person in whose name records are kept or on the court's own motion, the court may order the destruction of records that have been sealed under this section if:

- (1) the records relate to conduct that did not violate a penal law of the grade of felony or a misdemeanor punishable by confinement in jail;
- (2) five years have elapsed since the person's 16th birthday; and
- (3) the person has not been convicted of a felony.

**(m)** On request of the Department of Public Safety, a juvenile court shall reopen and allow the department to inspect the files and records of the juvenile court relating to an applicant for a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.

Text of subsec. (m) as added by Acts 1997, 75<sup>th</sup> Leg. Ch. 1086 # 18

(m) A record created or maintained under Article 6252-13c1. Revised Statutes, may not be sealed under this section if the person who is the subject of the record has a continuing obligation to register under that article.

This is to certify that I \_\_\_\_\_,

Juvenile's Name

have received a copy of the above Notice of Right to Petition Court To Seal Files, Family Code, Section 58.003. Received on

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**Date**

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**Juvenile Signature**

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**Witness - Juvenile Probation Officer**

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**Parent/Guardian Signature**

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**Date**