

Sealing of Juvenile Records

SEALING WITH APPLICATION

- **Application Requirements** [Tex. Fam. Code § 58.256\(b\)](#)
 - Personal identifying information [full name; sex; race or ethnicity; date of birth; driver's license or identification card number; and social security number]
 - Offense and date of offense
 - Cause number and court in which the petition was filed (if any)
 - List of entities that may have records related to the applicant
- **Criteria for Eligibility** [Tex. Fam. Code § 58.256\(c\)](#)
 - Person at least 17; or, if under 17, at least one year passed since final discharge;
 - No delinquent conduct matters pending;
 - Never certified as an adult;
 - No adult felony convictions; and
 - No pending adult charges for felony or misdemeanor punishable by jail.

COURT ACTION

[Tex. Fam. Code § 58.256\(e\)](#)

- If all requirements are met, Court may **either** order sealing of records immediately **or** hold a hearing to decide whether to order sealing.
- **Hearing on Sealing** [Tex. Fam. Code § 58.257](#)
 - Reasonable notice must be given to:
 - the applicant and the applicant's attorney (if any);
 - the prosecuting attorney for the juvenile court;
 - all entities named in the application that may have related records; and
 - any individual or entity whose presence at the hearing is requested by the applicant or prosecutor.
 - Hearing held within 60 days of receiving the application.
- **Sealing Prohibited** [Tex. Fam. Code § 58.256\(d\)](#)
 - Received a determinate sentence;
 - Currently registered sex offender; or
 - Was committed to TJJD or to a post-adjudication secure correctional facility and has not been discharged.

SEALING WITHOUT APPLICATION (AUTOMATIC SEALING)

- **Delinquent Conduct – Criteria** [Tex. Fam. Code § 58.253](#)
 - Person is at least 19 years old;
 - No adjudications for felony delinquent conduct;
 - No pending delinquent conduct charges;
 - Never certified as an adult;
 - No adult convictions for felony or misdemeanor punishable by jail; and
 - No pending adult charges for felony or misdemeanor punishable by jail.

Sealing of Juvenile Records *continued*

SEALING WITHOUT APPLICATION (AUTOMATIC SEALING)

☐ **Conduct Indicating Need for Supervision (CINS) – Criteria** [Tex. Fam. Code § 58.255](#)

- Records related to the conduct were filed with the court clerk;
- Person is at least 18 years old;
- No referrals for delinquent conduct;
- No adult felony convictions; and
- No pending adult charges for felony or misdemeanor punishable by jail.

COURT ACTION

[Tex. Fam. Code §§ 58.254\(c\),\(f\), 58.255\(b\),\(c\)](#)

- Court receives notice from juvenile probation that record is eligible for sealing, along with a list of all referrals and the outcomes of each referral.
- Court has 60 days to issue an order sealing all juvenile records.

☐ **Delinquent Conduct or CINS - Finding of Not True** [Tex. Fam. Code § 58.2551](#)

- Court's own motion and without a hearing; all records related to the alleged conduct sealed immediately.

ORDER SEALING RECORDS

☐ **Required Contents of Order** [Tex. Fam. Code § 58.258](#)

- Personal identifying information
- Every CINS or delinquent conduct matter;
- Date and county where every CINS or delinquent conduct matter occurred;
- Cause number (if any);
- Court and county in which the petition was filed (if any); and
- List of entities that may have records that are being sealed, including each official, agency, or other entity the court has reason to believe possesses relevant records.

COURT ACTION

[Tex. Fam. Code § 58.258 \(b\),\(c\)](#)

- No later than 60 days after the order is entered, it must be sent to all entities that possess records.
- If sealed, all proceedings relating to the person are dismissed and vacated.

☐ **Exempt from Sealing** [Tex. Fam. Code § 58.252](#)

- Sex offender registration records;
- Gang records, and
- Records collected or maintained by TJJD for statistical and research purposes.