



Office of Court Administration

**Instructions for Completing the Model
Petition for Order of Nondisclosure
Under Section 411.0727**

BEFORE BEGINNING MAKE SURE YOU ARE USING THE CORRECT PETITION. THIS PETITION AND INSTRUCTIONS ARE FOR PERSONS REQUESTING AN ORDER OF NONDISCLOSURE UNDER SECTION 411.0727, GOVERNMENT CODE. DO NOT ATTEMPT TO COMPLETE A PETITION FOR AN ORDER OF NONDISCLOSURE WITHOUT FIRST REVIEWING THE NONDISCLOSURE OVERVIEW TO DETERMINE IF YOU ARE ELIGIBLE FOR AN ORDER OF NONDISCLOSURE AND TO IDENTIFY THE CORRECT FORM TO USE. THE NONDISCLOSURE OVERVIEW IS AVAILABLE AT THIS LINK: <http://www.txcourts.gov/rules-forms/orders-of-nondisclosure>.

TO BE ELIGIBLE TO USE THIS FORM EACH OF THE FOLLOWING STATEMENTS MUST BE TRUE:

1. YOU SUCCESSFULLY COMPLETED A VETERANS TREATMENT COURT PROGRAM FOR THE OFFENSE FOR WHICH THE ORDER OF NONDISCLOSURE IS REQUESTED.
2. YOU DID NOT ENTER THE VETERANS TREATMENT COURT PROGRAM AS THE RESULT OF BEING CONVICTED OF AN OFFENSE INVOLVING THE OPERATION OF A MOTOR VEHICLE WHILE INTOXICATED.
3. YOU HAVE NOT BEEN PREVIOUSLY CONVICTED OF AN OFFENSE LISTED IN ARTICLE 42A.054 (a), CODE OF CRIMINAL PROCEDURE, OR OF A SEXUALLY VIOLENT OFFENSE, AS DEFINED BY ARTICLE 62.001, CODE OF CRIMINAL PROCEDURE.
4. YOU WERE NOT CONVICTED OF A FELONY OFFENSE DURING THE TWO-YEAR PERIOD FOLLOWING YOUR SUCCESSFUL COMPLETION OF THE VETERANS TREATMENT COURT PROGRAM.
5. A MINIMUM OF TWO YEARS HAS PASSED SINCE YOUR SUCCESSFUL COMPLETION OF THE VETERANS TREATMENT COURT PROGRAM.

IF THE FIVE STATEMENTS ABOVE ARE NOT TRUE, THIS IS NOT THE CORRECT PETITION AND INSTRUCTIONS FOR YOU. YOU MAY BE ELIGIBLE FOR AN ORDER OF NONDISCLOSURE UNDER ANOTHER SECTION OF THE GOVERNMENT CODE. YOU SHOULD RETURN TO THE NONDISCLOSURE OVERVIEW TO DETERMINE IF

YOU ARE ELIGIBLE FOR AN ORDER OF NONDISCLOSURE UNDER ANOTHER SECTION.

Additional Requirements

You are **not eligible** for an order of nondisclosure under Section 411.0727, or any other section, if:

- you were or have ever been convicted of or placed on deferred adjudication community supervision (hereinafter “deferred adjudication”) for any of the offenses listed below:
 - (i) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
 - (ii) an offense under Texas Penal Code Section 20.04 (aggravated kidnapping);
 - (iii) an offense under any of the following sections of the Texas Penal Code:
 - 19.02 (murder);
 - 19.03 (capital murder);
 - 20A.02 (trafficking of persons);
 - 20A.03 (continuous trafficking of persons);
 - 22.04 (injury to a child, elderly individual, or disabled individual);
 - 22.041 (abandoning or endangering a child);
 - 25.07 (violation of court orders or conditions of bond in a family violence, sexual assault or abuse, stalking, or trafficking case);
 - 25.072 (repeated violation of certain court orders or conditions of bond in family violence, sexual assault or abuse, stalking, or trafficking case); or
 - 42.072 (stalking); or
 - (iv) any other offense involving family violence, as defined by Section 71.004, Family Code;
- the court made an affirmative finding that your offense, the one for which you are requesting an order of nondisclosure, involved family violence, as defined by Section 71.004, Family Code; or
- if, during the period after the court pronounced the sentence, or placed you on deferred adjudication for the offense for which the order of nondisclosure is requested, and during the two-year

waiting period following your successful completion of the veterans treatment court program, you were convicted of or placed on deferred adjudication for any offense other than a traffic offense punishable by fine only.

Instructions for Completing Petition

- (1) Please leave this line blank. This is not the number of your criminal case. A civil case will be created when you file the petition. The clerk of the court (hereinafter “clerk”) will enter a new cause number in this space.
- (2) Please enter the name of the court in which you are filing this petition. You must file this petition in the court that dismissed your case or placed you on probation or deferred adjudication. The name of the court is shown on the top of the order that dismissed your case or placed you on probation or deferred adjudication.
- (3) Please enter your name as it appears in the order that dismissed your case or placed you on probation or deferred adjudication.
- (4) Please enter the name of the county in which the court that dismissed your case or placed you on probation or deferred adjudication is located.
- (5) Please enter your name as you did in (3) above.
- (6) Please enter the name of the offense for which the order of nondisclosure is requested. This is the same offense shown on the dismissal, order placing you on probation or deferred adjudication, or judgment in the case for which the order of nondisclosure is requested.
- (7) Please enter the criminal cause number shown on the order that dismissed your case or placed you on probation or deferred adjudication. Look for *Case No.* on that order.
- (8) Please enter the date on which you successfully completed the veterans treatment court program.
- (9) Please circle “is” if you are attaching proof of your successful completion of the veterans treatment court program. Although attaching proof of

successful completion of the veterans treatment court program may expedite the process for obtaining an order of nondisclosure, it is not required. Please circle “is not” if you are not attaching proof.

- (10) Please enter the date that the veterans treatment court determined that a dismissal of your case is in the best interest of justice. [Note: In some counties, the district or county court may also serve as the veterans treatment court.]
- (11) Please circle “is” if you are attaching a copy of the veterans treatment court’s order determining that a dismissal is in the best interest of justice. Please circle “is not” if you are not attaching a copy of the order. Attaching a copy of the order may expedite the process, but it is not required.
- (12) There is a filing fee associated with the filing of a petition for an order of nondisclosure under Section 411.0727. The filing fee is the amount of the court’s regular civil filing fee plus an additional \$28.00. Typically, the total filing fee is about \$280.00. However, the amount varies from county to county. Please contact the clerk for the court in which you are filing the petition to obtain the total amount of the fee required. **NOTE:** You should not have to pay the clerk to serve the petition on the attorney for the state (hereinafter “prosecutor”), Department of Public Safety (hereinafter “DPS”), or any other agency or entity, including any law enforcement entity. The statute requires the court, clerk, and DPS to notify the other parties of interest. See Sections 411.0745(e), 411.075(a) and 411.075(b), Government Code, respectively.

*As a general rule, you must pay the filing fee in order to file the petition. However, you may be eligible to file a Statement of Inability to Afford Payment of Court Costs in lieu of paying the filing fee. The statement is described in Rule 145 of the Texas Rules of Civil Procedure. You may read Rule 145 online at <http://www.txcourts.gov/media/1435952/trcp-all-updated-with-amendments-effective-912016.pdf>. You can click here for the **Statement of Inability to Afford Payment of Court Costs** form: <http://www.txcourts.gov/media/1435953/statement-final-version.pdf>.*

Please place a check mark or an “x” on the line in front of the first statement, if you are paying the filing fee. If you are submitting a **Statement**

of Inability to Afford Payment of Court Costs, place a check mark or an “x” on the line in front of the second statement.

- (13) Please sign above the line. If you are filing this petition electronically, you may enter “/s/” followed by your typewritten name.
- (14) Please PRINT your name.
- (15) Please enter your mailing address.
- (16) Please enter your city, state and zip code.
- (17) Please enter your telephone number.

Process After You Complete the Petition

If you are eligible for an order of nondisclosure under Section 411.0727, the process for obtaining an order under this section is as follows:

First, check in advance with the clerk’s office to obtain the total amount of the fee (including the \$28 fee) to file a petition for an order of nondisclosure, unless you are submitting a *Statement of Inability to Afford Payment of Court Costs* in lieu of paying the fee. Next, be sure to complete the *correct* petition according to the instructions, and after you have done so, print both the petition and the *Order of Nondisclosure under Section 411.0727*. In most courts, you will have to submit a proposed order with your petition. The judge will complete the order, if the judge grants your request.

You must file the petition in the court that placed you in the veterans treatment court program, not in the veterans treatment court, unless the court that placed you in the veterans treatment court program also serves as the veterans treatment court.

After you file the petition, the clerk will send it to the court and the court will notify the prosecutor. Again, you should not have to pay the clerk to serve notice on the prosecutor or any other party.

A hearing on the petition is not required if the prosecutor does not request a hearing.

If a hearing is scheduled, the court or the clerk will notify you. If there is a hearing, the court may ask questions to establish whether you satisfy the requirements of Sections 411.074 and 411.0727. After the hearing, if the court determines that you are entitled to file the petition and issuance of the order of nondisclosure is in the best interest of justice, the court should grant your request for the order.

If the court does not hold a hearing, the judge will review your petition to determine whether you satisfy the requirements of the statutes and whether issuance of the order of nondisclosure is in the best interest of justice. If the court determines that you are entitled to file the petition and issuance of the order is in the best interest of justice, the court should grant your request for the order.

The court and/or prosecutor will have access to your criminal history record information and will use it to determine if you are entitled to file the petition.

If the court grants the order of nondisclosure, not later than 15 business days after the order issues, the clerk will send a copy of the order to DPS. Then, not later than 10 business days after DPS receives the order, DPS will seal the criminal history record information that is the subject of the order and forward the order to the state and federal agencies listed in Section 411.075(b), Government Code. See Section 411.075(b) for a complete list of agencies and entities that DPS must notify.