



Office of Court Administration

**Instructions for Completing the Model
Petition for Order of Nondisclosure**

THESE INSTRUCTIONS APPLY TO OFFENSES THAT OCCURRED PRIOR TO SEPTEMBER 1, 2015. IF YOUR OFFENSE OCCURRED AFTER SEPTEMBER 1, 2015, THIS IS NOT THE CORRECT OVERVIEW FOR YOU. PLEASE GO TO THE FORMS AND INSTRUCTIONS FOR OFFENSES THAT OCCURRED AFTER SEPTEMBER 1, 2015, AVAILABLE AT THIS LINK: <http://www.txcourts.gov/rules-forms/orders-of-nondisclosure>.

- (1) Please leave this blank. This number is not the number of your criminal case. A new civil case is created by filing this petition. This new case will be assigned a new cause number by the clerk of the court when the clerk receives your petition. The clerk will enter the 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 placed you on deferred adjudication. The name of the court is shown on the top of your order of deferred adjudication.
- (3) Please enter your name as shown in your order of deferred adjudication.
- (4) Please enter the name of the county in which the court is situated. This will be the same county as shown on your order of deferred adjudication.
- (5) Please enter your name as you did in (3) above.
- (6) Please enter either "guilty" or "nolo contendere" as shown on your order of deferred adjudication under Plea to Offense.
- (7) Please enter the offense shown on your order of deferred adjudication under Offense.
- (8) Please enter the word "is" if you are attaching your order of deferred adjudication. Please enter the words "is not" if you are not attaching your order of deferred adjudication.

- (9) Please enter the date shown under Date Order Entered on your order of deferred adjudication.
- (10) Please enter a date here that is calculated by starting with the date in (9) above. Add the Period of Supervision as shown on your order of deferred adjudication to the date shown in (9). Then subtract one day. This is the date to enter.

For example, if your starting date (shown in (9) above) is January 1, 2010 and the period of supervision is 3 years, then add 3 years to the January 1, 2010 date. This gives you a date of January 1, 2013. Subtract one day. This gives you a date of December 31, 2012. This would be the date to enter.

- (11) Please enter the word “is” if you are attaching your order of dismissal and discharge. Please enter the words “is not” if you are not attaching your order of dismissal and discharge.
- (12) Please enter the date shown on your order of dismissal and discharge.
- (13) Please enter the Statute for Offense as shown on your order of deferred adjudication.
- (14) Please enter the word “not” unless the statute you listed in (13) is Section 19.02, 19.03, 20.04, 22.04, 22.041, 25.07 or 42.072 of the Texas Penal Code. If the statute you listed in (13) is one of the foregoing statutes, you are not entitled to file a petition for order of nondisclosure.
- (15) Please enter the word “not” unless the offense for which you were placed on deferred adjudication required you to register as a sex offender. Your order of deferred adjudication will show whether sex offender registration requirements do or do not apply to you. If sex offender registration requirements apply to you, then you are not entitled to file a petition for an order of nondisclosure.
- (16) Please enter the word “not” unless the offense for which you were placed on deferred adjudication involved family violence. You can tell whether the offense involved family violence by looking at your order of deferred adjudication. If the offense involved family violence, there will be a

special order on your order of deferred adjudication saying so. This special order would be set out just above the judge's signature. If the offense involved family violence, then you are not entitled to file a petition for an order of nondisclosure.

- (17) Please enter the word "never" unless you have previously been convicted of (or placed on deferred adjudication for) an offense:
- (a) under Section 19.02, 19.03, 20.04, 22.04, 22.041, 25.07 or 42.072 of the Texas Penal Code;
 - (b) requiring registration as a sex offender; or
 - (c) involving family violence.
- (18) Please look at the section of your order of deferred adjudication entitled Degree of Offense. If the degree of offense is listed as a felony, then enter the word "felony." If the degree of offense is listed as a misdemeanor, then look at the statute you listed in (13) above. Is the listed statute found in Chapter 20, 21, 22, 25, 42, or 46 of the Penal Code? If so, then enter "misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code." If not, then enter "misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code."

Please note: The number of a statute consists of a chapter reference and a section reference. So a statute such as Penal Code, Section 20.03 refers to Chapter 20 and Section 3 within that chapter. If this were the statute you listed in (13) above, then this would be a misdemeanor under Chapter 20 of the Penal Code. Please be aware that not all violations of the law are found in the Penal Code. Some violations are found in other codes such as the Agriculture Code or the Transportation Code.

- (19) If your response in (18) is "felony," then please enter "the fifth anniversary of the." If your response is "misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code," then enter "the second anniversary of the." If your response is "misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code," then enter the word "the."

- (20) Please enter the date calculated by adding your entry in (19) to the date of your order of dismissal and discharge.

For example, assume you entered “the second anniversary of” in (19) and the date of your order of dismissal and discharge is March 1, 2008. You would then enter March 1, 2010. As a further example, suppose you entered “the” in (19) and the date of your order of dismissal and discharge is March 1, 2008. You would then enter March 1, 2008.

- (21) Please enter the same date you entered in (9) above.

- (22) Please enter the same date you entered in (20) above.

- (23) There is a filing fee associated with filing a petition for order of nondisclosure. 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. But the amount varies from county to county. You may contact the clerk of the court in which you are filing this petition to learn the amount of the total filing fee.

*As a general rule, you must pay the filing fee in order to file this petition. However, you may be eligible to file a Statement of Inability to Afford Payment of Court Costs in lieu of paying the filing fees. The Statement of Inability to Afford Payment of Court Costs is described in Rule 145 of the Texas Rules of Civil Procedure. You may view 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:
<http://www.txcourts.gov/media/1435953/statement-final-version.pdf>.*

Please enter “the required filing fee” if you will be paying the filing fee. If you are instead filing an affidavit of indigency, please enter “an affidavit of indigency in lieu of paying filing fees.”

- (24) Please sign above the line. If you are filing this Petition electronically, you may enter “/s/” followed by your typewritten name.

- (25) Please enter your name.
- (26) Please enter your mailing address.
- (27) Please enter your city, state and zip code.
- (28) Please enter your telephone number.