



Office of Court Administration

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

THIS PETITION AND INSTRUCTIONS ARE FOR PERSONS REQUESTING AN ORDER OF NONDISCLOSURE UNDER [TEXAS GOVERNMENT CODE SECTION 411.0727](#). BEFORE BEGINNING MAKE SURE YOU ARE USING THE CORRECT PETITION. 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 FORMS TO USE. THE NONDISCLOSURE OVERVIEW IS AVAILABLE ON THE OFFICE OF COURT ADMINISTRATION'S WEBSITE AT [TXCOURTS.GOV](#) UNDER THE RULES AND FORMS SECTION.

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), Texas Code of Criminal Procedure, or of a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure.
4. You were not convicted of a felony offense during the two-year waiting 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 ONE OF THE ABOVE STATEMENTS IS FALSE, THIS IS NOT THE CORRECT PETITION 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 **ineligible** for an order of nondisclosure under Section 411.0727 if:

- you were or have ever been previously 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 Texas Code of Criminal Procedure Chapter 62;
 - (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:
 - Section 19.02 (Murder);
 - Section 19.03 (Capital Murder);
 - Section 20A.02 (Trafficking of Persons);
 - Section 20A.03 (Continuous Trafficking of Persons);
 - Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual);
 - Section 22.041 (Abandoning or Endangering a Child);
 - Section 25.07 (Violation of Court Orders or Conditions of Bond in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case);
 - Section 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case); or
 - Section 42.072 (Stalking); or
 - (iv) any offense involving family violence, as defined by Texas Family Code Section 71.004;
- the court made an affirmative finding that your offense involved family violence; or
- if you were convicted of or placed on deferred adjudication for another offense any time during the period after pronouncement of your sentence or placement on deferred adjudication and completion of the two-year waiting period. (*Do not count or include traffic offenses 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 placed you in the veterans treatment court program.
- (3) Please enter your name as it appears on the judgment, order of community supervision, including deferred adjudication community supervision, or order dismissing your case. You may enter your name as it appears on the charging instrument, if there is no judgment or order in your case.
- (4) Please enter the name of the county in which the court that placed you in the veterans treatment court program 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.
- (7) Please enter the criminal cause number as it appears on the order that dismissed your case or placed you on community supervision, including deferred adjudication community supervision, or on the judgment in your case.
- (8) Please enter the date on which you successfully completed the veterans treatment court program.
- (9) Use the drop-down menu to select “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 select “is not” if you are not attaching proof.
- (10) You must pay various filing fees and court costs when you file the petition. If you are unable to pay the fees and costs, you may submit a [Statement of Inability to Afford Payment of Court Costs](#). The statement is described in more detail in Rule 145 of the Texas Rules of Civil Procedure. Please contact the clerk for the court in

which you are filing the petition to obtain the total amount due when you file the petition.

Please place an “x” on the line in front of the first statement, if you are paying the fees and costs. If you are submitting a **Statement of Inability to Afford Payment of Court Costs**, place an “x” on the line in front of the second statement.

- (11) Please sign above the line.
- (12) Please PRINT your name.
- (13) Please enter your mailing address.
- (14) Please enter your city, state and zip code.
- (15) 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 the section is as follows:

First, be sure to wait the requisite time (*two years following successful completion of the veterans treatment court program*) before filing the petition and check with the clerk to obtain the total amount due upon filing the petition, unless you are submitting a **Statement of Inability to Afford Payment of Court Costs**. Next, be sure to complete the **correct** petition according to the instructions, and after you have done so, print both the petition and the proposed **Order of Nondisclosure**. In most courts, you will have to submit a proposed order with your petition. The court will complete the order if the court 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. A hearing is required if the prosecutor requests one.

If a hearing is scheduled, the court will notify you. If there is a hearing, the court may ask questions regarding your eligibility to receive the order. After the hearing, if the

court finds that you have satisfied the requirements of the statutes (Texas Government Code Sections 411.0727 and 411.074) and issuance of the order is in the best interest of justice, the court will grant your request for the order.

If the court does not hold a hearing, the court will review your petition to determine whether an order of nondisclosure shall be issued. The court must find that you satisfy the requirements of Sections 411.0727 and 411.074 and issuance of the order is in the best interest of justice before the court may grant your request.

The court will have access to your criminal history record information and will use it to determine if you are eligible for the order.

If the court grants the order, the clerk will send a copy of the order to DPS no later than 15 business days after the order issues. Upon receiving the order, DPS will have 10 business days to seal, not delete, the criminal history record information that is subject to the order and forward a copy of the order to the state and federal agencies listed in Texas Government Code Section 411.075(b). It is important for you to know that some agencies, including law enforcement agencies, will still have access to the information, although the information is sealed. You will find a list of such agencies at Texas Government Code Section 411.0765.