



Office of Court Administration

Instructions for Completing the Model
Petition for Order of Nondisclosure
Under Section 411.0725

THIS PETITION AND INSTRUCTIONS ARE FOR PERSONS SEEKING AN ORDER OF NONDISCLOSURE UNDER TEXAS GOVERNMENT CODE SECTION 411.0725. BEFORE BEGINNING MAKE SURE YOU ARE USING THE CORRECT MODEL 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 PETITION **EACH OF THE FOLLOWING STATEMENTS MUST BE TRUE.**

1. You are ineligible to receive an order of nondisclosure under Section 411.072.
2. You were placed on deferred adjudication community supervision for the offense for which the order of nondisclosure is requested.
3. The offense for which the order of nondisclosure is requested is not the offense of driving or boating while intoxicated.
4. You received a discharge and dismissal for the offense for which the order of nondisclosure is requested.
5. You have waited the applicable waiting period before filing this petition. The waiting period is 2 or 5 years after discharge and dismissal, depending on your circumstances. *[If you do not know the applicable waiting period, return to the Nondisclosure Overview to determine it. See the waiting periods for Orders of Nondisclosure under Section 411.0725.]*

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

1. You are **ineligible** for an order of nondisclosure under Section 411.0725 if you were or have ever been convicted of or placed on deferred adjudication for any of the offenses listed below:
 - (A) an offense requiring registration as a sex offender under Texas Code of Criminal Procedure Chapter 62;
 - (B) an offense under Texas Penal Code Section 20.04 (Aggravated Kidnapping);
 - (C) an offense under any of the following sections of the 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, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);
 - 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case); or
 - 42.072 (Stalking); or
 - (D) any other offense involving family violence, as defined by Texas Family Code Section 71.004.
2. You are **ineligible** for an order of nondisclosure under Section 411.0725 if you were convicted of or placed on deferred adjudication for another offense (*however, do not count or include traffic offenses punishable by fine only*): (1) during the period of your deferred adjudication for the offense for which the order of nondisclosure is requested; or (2) during any applicable waiting period (*see Statement No. 5 above*) following completion of your deferred adjudication for the offense for which the order of nondisclosure is requested.
3. You are **ineligible** for an order of nondisclosure under Section 411.0725 if the court made an affirmative finding that your offense involved family violence.

INSTRUCTIONS FOR COMPLETING THE PETITION

BEFORE BEGINNING MAKE SURE YOU ARE USING THE CORRECT 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 on deferred adjudication (hereinafter “deferred adjudication”). The name of the court is displayed at the top of the order that placed you on deferred adjudication.
- (3) Please enter your name as it appears on the order of deferred adjudication.
- (4) Please enter the name of the county in which the court that placed you on deferred adjudication is situated. This will be the same county displayed on the order that placed you on deferred adjudication.
- (5) Please enter your name as you did in (3) above.
- (6) Please enter the offense as it appears on the order that placed you on deferred adjudication under Offense.
- (7) Please select “misdemeanor” if the offense for which you are requesting an order of nondisclosure is a misdemeanor or “felony” if the offense is a felony. The order that placed you on deferred adjudication should indicate whether the offense was a misdemeanor or felony.
- (8) Please enter the criminal cause number as it appears on the order that placed you on deferred adjudication. Look for *Case or Cause No.* on either document.
- (9) Please enter the date on which you plead guilty or nolo contendere to the offense.
- (10) Please enter the date that you were placed on deferred adjudication. This date should be on the order that placed you on deferred adjudication.
- (11) Please enter the date on which you completed your term of deferred adjudication. This date should be on the order discharging and dismissing the proceedings against you.

- (12) Please select “is” if you are attaching a copy of the order that placed you on deferred adjudication. Attaching a copy of the court’s order may expedite the process for obtaining an order of nondisclosure, but it is not required. Please select “is not” if you are not attaching a copy of the judgment or order that placed you on deferred adjudication.
- (13) Please select “is” if you are attaching a copy of the discharge and dismissal. Please select “is not” if you are not attaching a copy of the discharge and dismissal.
- (14) Please enter the date as it appears on the discharge and dismissal.
- (15) Please review the five statements lettered A through E and place a check mark before each statement that is true in your case. More than one may apply. Be sure to review all five statements.
- (16) If you placed a check mark in front of statement D, please select “is” if you are attaching a list of your prior convictions and deferred adjudications. Select “is not” if you are not attaching a list of your prior convictions and deferred adjudications.
- (17) Review the three statements and mark the box next to the statement that applies to you. **Mark one box only.** If the offense for which you are requesting an order of nondisclosure is a felony, mark the first box. If you marked the first box, you must wait five years after your discharge and dismissal before you can file a petition for an order of nondisclosure. If the offense for which you are requesting an order of nondisclosure is a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46 of the Penal Code, mark the second box. If you marked the second box, you must wait two years after your discharge and dismissal before you can file a petition for an order of nondisclosure. If your offense is not an offense under any of the chapters mentioned above, mark the third box. If you marked the third box, you can file a petition for an order of nondisclosure on or after the date of your discharge and dismissal.
- (18) 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” in the box near the statement that applies to you. Mark the box 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 instead, place an “x” near the second statement.

- (19) Please sign above the line.
- (20) Please PRINT your name.
- (21) Please enter your mailing address.
- (22) Please enter your city, state, and zip code.
- (23) Please enter your telephone number.

PROCESS AFTER YOU COMPLETE THE PETITION

If you are eligible for an order of nondisclosure under Section 411.0725, the process for obtaining an order under the section is as follows:

First, be sure to wait the requisite time, if any, before filing the petition, and check with the court clerk to obtain the total amount that you will have to pay when you file 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 when you file it. The judge will complete the order if the judge grants your request.

You must file the petition in the court that placed you on deferred adjudication.

After you file the petition, the clerk will send it to the court, and the court will notify the prosecutor.

A hearing is required only 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 411.0725 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 issue. The court must find that you satisfy the requirements of Sections 411.0725 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 your eligibility 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.