



Office of Court Administration

Instructions for Completing the Model
Petition for Order of Nondisclosure
Under Section 411.073

THIS PETITION AND INSTRUCTIONS ARE FOR PERSONS SEEKING AN ORDER OF NONDISCLOSURE UNDER GOVERNMENT CODE SECTION 411.073. 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.

YOU ARE ELIGIBLE TO USE THIS PETITION IF YOUR ANSWER TO **EACH OF THE FOLLOWING QUESTIONS IS **YES**.**

1. Were you convicted of a misdemeanor, but not a misdemeanor under Alcohol Beverage Code Section 106.041, or Penal Code Chapter 71 or Section 49.04, 49.05, 49.06, or 49.065?
2. Were you placed on community supervision (but not deferred adjudication community supervision) following your conviction for the misdemeanor?
3. Did you complete community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution, if any?
4. Aside from the misdemeanor conviction, it is true that you have never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense punishable by fine only?
5. Do you satisfy the basic eligibility requirements of Section 411.074, Government Code? The basic requirements are listed in the nondisclosure overview.
6. Have you satisfied the required waiting period before filing this petition? There could be a two-year waiting period, depending on your offense. The nondisclosure overview will help you to determine the required waiting period for your offense (*See page 19*).

IF YOU DID NOT ANSWER YES TO ALL OF THE QUESTIONS ABOVE, 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 411.073 if:

- you were or have ever been previously convicted of or placed on deferred adjudication community supervision for any of the offenses listed below:
 - (i) an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
 - (ii) an offense under Penal Code Section 20.04 (Aggravated Kidnapping);
 - (iii) 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, 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
 - (iv) any other offense involving family violence, as defined by Family Code Section 71.004;
- the court made an affirmative finding that your offense involved family violence; or

- you were convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense punishable by fine only, while on community supervision for the offense for which the order is requested or during the applicable waiting period (*there could be a two-year waiting period, depending on your offense*).

INSTRUCTIONS FOR COMPLETING THE 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 community supervision. The name of the court is shown on the top of the order that placed you on community supervision.
- (3) Please enter your name as it appears in the order that placed you on community supervision.
- (4) Please enter the name of the county in which the court that placed you on community supervision is situated. This will be the same county as shown on your order.
- (5) Please enter your name as you did in (3) above.
- (6) Please enter the name of the offense for which you were convicted. The name of the offense is on the judgment or order that placed you on community supervision under Offense.
- (7) Please enter the criminal cause number as shown on the court’s order that placed you on community supervision. Look for *Case No.* on that order.
- (8) Please enter the date of your conviction for the offense for which the order of nondisclosure is requested.

- (9) Please enter the date that you were placed on community supervision. This should be on the order or document that placed you on community supervision.
- (10) Please enter the date that you completed community supervision.
- (11) Please select “is” if you are attaching a copy of the document or order showing that the court placed you on community supervision and, if applicable, sentenced you to a period of confinement. Attaching a copy of the document or 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 document or order.
- (12) Please select “is” if you are attaching a copy of the court’s order showing that you completed community supervision and any period of confinement, if you were ordered confined. 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 court’s order. The jail that released you may have given you a document that shows the date you were released from confinement.
- (13) Place a check mark or an “x” on the line in front of the statement that applies to your case. 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, place your mark in front of the first statement. (If you checked this statement, you must wait two years from the date of completing your community supervision to file a petition for nondisclosure.) If your offense is not under one of the Chapters listed in the prior sentence, then place a mark in front of the second statement. (If you checked the second statement, you can file a petition for an order of nondisclosure on or after the date you completed community supervision.)
- (14) 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 court clerk for the court in which you are filing the petition to obtain the total amount due when you file the petition.

Please place a check mark or “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.

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

PROCESS AFTER YOU COMPLETE THE PETITION

If you are eligible for an order of nondisclosure under Section 411.073, the process for obtaining the order is as follows:

First, be sure to wait the requisite time before filing the petition (*there could be a two-year waiting period, depending on your offense*), and check with the court 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 above, and after you have done so, print both the petition and the proposed **Order of Nondisclosure**. In most courts, you have to submit a proposed order when you file 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 on community supervision.

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 411.073 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 411.073 and 411.074 and issuance of the order is in the best interest of justice before the court can grant your request.

The court will have access to your criminal history record 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 to note 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.