



Office of Court Administration

**Instructions for Completing the Model
Petition for Order of Nondisclosure
Under Section 411.0729**

BEFORE BEGINNING MAKE SURE YOU ARE USING THE CORRECT PETITION. THIS PETITION AND INSTRUCTIONS ARE FOR PERSONS REQUESTING AN ORDER OF NONDISCLOSURE UNDER SECTION 411.0729, GOVERNMENT CODE (GOV'T 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. The offense for which the order of nondisclosure is requested is a misdemeanor offense.
2. You were placed on community supervision, including deferred adjudication community supervision, for the offense, and you successfully completed all conditions of that probation or deferred adjudication.
3. You are a veteran of the United States Armed Forces, including a member of the reserves, national guard, or state guard.
4. You successfully completed a veterans reemployment program established under Subchapter H-1, Chapter 42A of the Texas Code of Criminal Procedure. *(Please note that if the judge approved your participation in the program, you will probably satisfy this requirement.)*

IF THE FOUR 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

Unlike most other orders of nondisclosure, there are no additional requirements. If you satisfy the requirements listed above, **you are eligible** for

an order of nondisclosure under Section 411.0729.

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 reemployment program.
- (9) Please circle “is” if you are attaching proof of your successful completion of the veterans reemployment program. Although attaching proof of successful completion of the 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) There is a filing fee associated with the filing of a petition for an order of nondisclosure under Section 411.0729. 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.

- (11) Please sign above the line. If you are filing this petition electronically, you may enter "/s/" followed by your typewritten name.
- (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 411.0729, 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 411.0729*. 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 on community supervision.

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 Section 411.0729. 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 statute 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.

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.