



Office of Court Administration

Instructions for Completing the Model
Petition for Order of Nondisclosure
Under Section 411.0735

THIS PETITION AND INSTRUCTIONS ARE FOR PERSONS REQUESTING AN ORDER OF NONDISCLOSURE UNDER [GOVERNMENT CODE SECTION 411.0735](#). 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 THIS [LINK](#).

YOU ARE ELIGIBLE TO USE THIS PETITION IF **EACH** OF THE FOLLOWING STATEMENTS IS **TRUE**:

1. You were convicted of a misdemeanor other than a misdemeanor under Alcoholic Beverage Code Section 106.041, or Penal Code Chapter 71 or Section 49.04, 49.05, 49.06, or 49.065.
2. You are ineligible for an order of nondisclosure under Government Code Section 411.073.
3. You completed the sentence in your case, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, imposed.
4. You have not been previously convicted of or placed on deferred adjudication community supervision for any other offense other than a traffic offense punishable by fine only.
5. Other than an assault under Penal Code Section 22.01, your offense is not violent or sexual in nature.
6. You have waited the required time before filing a petition for an order under Section 411.0735. (There may be a two-year waiting period before you can file the petition. If you do not know the waiting period, return to the Nondisclosure Overview and read the information under **Section 411.0735 – Procedure for Conviction for Certain Misdemeanors**.)

IF ONE OF THE ABOVE STATEMENTS IS FALSE, THIS IS NOT THE CORRECT PETITION FOR YOU. You may be eligible to file a petition under another section of the Government Code. You should return to the nondisclosure overview to determine if you are eligible to file a petition under another section.

ADDITIONAL REQUIREMENTS

1. You are **ineligible** for an order of nondisclosure under Section 411.0735, or any other section, 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 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.

2. You are **ineligible** for an order of nondisclosure under Section 411.0735 if you are convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense punishable by fine only, before you complete the applicable waiting period, or if there is no waiting period, before you complete your sentence. [A two-year waiting period following completion of your sentence is required if your offense is not a misdemeanor punishable by fine only. See the Nondisclosure Overview for further details.]

3. You are **ineligible** for an order of nondisclosure under Section 411.0735 if the court made an affirmative finding that your offense involved family violence.

INSTRUCTIONS FOR COMPLETING PETITION

- (1) Please leave this 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 convicted you . The name of the court is shown on the top of the judgment or order that sentenced you.
- (3) Please enter your name as it appears on the judgment or order that sentenced you.
- (4) Please enter the name of the county in which the court that sentenced you is located. This will be the same county as shown on the judgment or order that sentenced you.
- (5) Please enter your name as you did in (3) above.
- (6) Please enter the name of the offense as it appears on the judgment or order that sentenced you.
- (7) Please enter the criminal cause number as it appears on the judgment or order that sentenced you. Look for the *Cause* or *Case* number on the judgment or order.
- (8) Please enter the date of your conviction.
- (9) Please enter the terms of your sentence.
- (10) Please enter the date that you completed your sentence. This should be the date that you were released from jail, if applicable, and/or the date that you completed payment of all fines, costs, and restitution imposed by the court.
- (11) Please select “is” if you are attaching a copy of the judgment or order that sentenced you. Attaching a copy of the judgment or order may expedite the process, but it is not required. Please select “is not” if you are not attaching a copy of the judgment or order.

- (12) Please select “is” if you are attaching evidence showing that you completed your sentence, including evidence that you completed any term of confinement or paid all fines, costs, and restitution, if any, imposed. Attaching a copy of the evidence may expedite the process, but it is not required. Please select “is not” if you are not attaching any evidence. Such evidence may include a copy of your jail release papers. The jail that released you may have given you several documents when you were released. Check those documents to see if any reflects your release date. If any does, you may submit a copy of that document. If you were ordered to pay a fine, costs, or restitution, you may attach proof of final payment. Do not worry if you do not have a document to attach. However, please remember that you cannot file a petition for nondisclosure until: (1) you have completed your sentence; and (2) at least two years have passed since you completed your sentence, unless you were convicted of an offense punishable by fine only.
- (13) 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 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” in the box in front of the second statement.

- (14) Please sign above the line.
- (15) Please PRINT your name.
- (16) Please enter your mailing address.
- (17) Please enter your city, state and zip code.
- (18) Please enter your telephone number.

PROCESS AFTER YOU COMPLETE THE PETITION

If you are eligible for an order of nondisclosure under Section 411.0735, the process for obtaining the order is as follows:

First, be sure to wait the requisite time before filing the petition (*It could be two years following completion of your sentence*), 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 must 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 sentenced you.

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 (Government Code Sections 411.0735 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 judge will review your petition to determine whether an order of nondisclosure shall issue. The court must find that you have satisfied the requirements of Sections 411.0735 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 [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 [Government Code Section 411.0765](#).