

## Information about Juvenile Offenders

Disclaimer: The law is constantly changing and there may be times when the information provided here will not be current. This information is provided for general informational purposes only and is not intended as legal advice. This information is not a comprehensive treatment of the subject and is not a substitute for advice from an attorney. We do not assume liability for any consequences resulting from your reliance on the information presented.

### **Appearance Required**

\*Texas law requires juvenile offenders under age 17 to appear in person and with a parent or guardian before the judge and must be present in court to be convicted. Acceptance of a fine by the court constitutes a plea of "guilty" by the defendant and would result in a conviction.

### **Parent/Guardian Appearance Required**

\*Texas law requires that a Court use diligent effort to locate and compel the presence of a parent to produce the child and be present during the proceedings. Failure of a parent, guardian, or managing conservator to come to court when summoned, to produce the child in court as required, or to inform the court of the child's change of address are all Class C misdemeanor offenses with fines up to \$500 that can be brought against a parent (CCP 45.0215).

### **Plea in Open Court**

\*A plea of "guilty" or "nolo contendere" (no contest) will result in the judge inquiring into the circumstances of the offense before rendering a suitable penalty, usually the same day you and your child appear to plead. A plea of "not guilty" will result in the case being set for a pretrial conference and trial at a later date.

### **Reporting**

\*Traffic and alcohol cases are reported to the Department of Public Safety in Austin, identified with your child's driver's license number or social security number and birth date. Courts are also required to report juveniles who fail to appear for court or who fail to pay their fines, resulting in an administration suspension of the juvenile's driver's license.

A record is kept, but is not used against a young offender to establish guilt or innocence. It is considered when recommending appropriate penalties after conviction. It is not used in criminal proceedings against that person when he or she becomes an adult.

While not all juvenile records are open to the public, most Class C misdemeanors are public record. For example, if your son or daughter enters the military or seeks a security clearance, the possibility exists of an independent investigation revealing one or more Class C misdemeanor convictions on the public record. Determining whether or not that would be a problem depends on several factors. These factors may include the outlook of the prospective employer, the type of offense, the level of security clearance sought, whether or not the application was truthful, etc. It is possible to have certain types of juvenile criminal records sealed or expunged under special circumstances CCP 45.0216.

### **Expunction**

\*Expunction is a procedure available to a juvenile convicted of a crime, where the offense is removed from the juvenile's record at the point the law no longer applies. For example, a juvenile convicted of a single alcohol-related offense, could apply to the court to have the conviction removed when the juvenile turns 21). The person must make a written request to have the records expunged. The request must be made under oath. There is a \$30 fee.

### **Attorney**

\*Courts do not appoint counsel for any Class C offender, regardless, of age, since there is no jail penalty associated with the offense. You are free to hire a lawyer if you choose to do so.

\*A person who is not licensed to practice law cannot represent someone in court...even your parent. This is called the unauthorized practice of law.

### **Fines & Court Costs**

\*The amount of the fine varies according to the offense charged and the circumstances specific to your child's case. Ordinarily, the maximum fine for traffic offenses is \$200, and the maximum fine for other Class C misdemeanors is \$500 (unless there is a special fine range specified in the legislation creating the offense). The court has the option of permitting fines to be paid in installments or allowing the defendant to discharge a fine through community service work.

### **Community Service**

\*Community service is credited against the fine at the rate of \$10 an hour. An appropriate number of community service hours are assigned to be served at a governmental or non-profit agency. The supervising agency should keep track of the hours. Once the hours are completed it is the parent's and child's responsibility to return the proper documentation to the Court.

### **Alcohol/Tobacco Classes**

\*Court-ordered alcohol and tobacco classes must be certified by the State of Texas.

To find an alcohol awareness course near you go on-line at:

[http://www.dshs.state.tx.us/offendered/oe\\_rosters.shtm](http://www.dshs.state.tx.us/offendered/oe_rosters.shtm)

To find a tobacco awareness course near you go on-line at: <http://www.dshs.state.tx.us/tobacco/tytap.shtm>

### **SUSPENSIONS/REVOCATIONS FOR INDIVIDUALS UNDER 21**

Convictions or failure to comply with the following offenses will result in the automatic suspension of a driving privilege of persons under 21 years of age:

- Alcoholic Beverage Code offenses:
  - minor in possession,
  - attempt to purchase alcohol by a minor,
  - purchase of alcohol by a minor,
  - consumption of alcohol by a minor,
  - misrepresentation of age by a minor,
  - driving under the influence of alcohol by a minor,
  - failure to complete an alcohol awareness class,
- Health and Safety Code violations:
  - fail to complete a tobacco awareness class when required,
  - drug offense,
  - an offense under the controlled substance act,
  - a felony under chapter 481, that is not a drug offense.
- Family Code violations:
  - delinquent conduct by a minor or juvenile,
  - failure to attend school

The Department of Public Safety has the authority to suspend/revoke the driver license or driving privilege of a minor, after a proper hearing, for the following reasons:

- failure to appear or default in payment of a fine for a traffic or a non traffic violation,
- a juvenile court order under Section 54.042 Family Code,
- a court order under Section 106.115. Alcoholic Beverage Code,
- failure to pay fine; contempt; juvenile Art. 45.050 CCP,
- repeated violations of traffic laws:
  - 2 or more convictions for moving violations occurring separately within any 12-month period for a driver who has a provisional driver license.
  - 1 or more convictions for a moving violation if the driver holds a 60-day hardship (Minor's Restricted Driver License) license.