

NO.

IN THE MATTER OF

§

IN THE _____ COURT

(RESP),

§

OF _____ COUNTY, TEXAS

A CHILD

§

SITTING AS A JUVENILE COURT

**PETITION FOR DISCRETIONARY
TRANSFER TO CRIMINAL COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, _____, Assistant District Attorney of _____ County, Texas, for the State of Texas, hereinafter styled Petitioner, upon information in her possession and believing it to be true, requesting a complete diagnostic study, social evaluation and full investigation of the child, the child's circumstances and the circumstances of the alleged offenses, and respectfully represents to the Court that because of the seriousness of the offenses and the background of the child, the welfare of the community requires that the Juvenile Court waive jurisdiction and have (RESP) transferred to Criminal Court for criminal proceedings concerning the following felony offenses and all criminal conduct occurring in said criminal episodes:

INSERT SPECIFIC PLEADINGS

II.

That after due diligence of the State it was not practicable to proceed in juvenile court before the 18th birthday of (RESP) for a reason beyond the control of the State / OR because the State did not have probable cause to proceed in juvenile court and new evidence has been found since the 18th birthday of (RESP).

III.

That the said (RESP) is a male/female person who resides at _____ County, Texas. (RESP) was born on the (DOB), and was (10 – 16) years of age at the time he/she was alleged to have committed the _____ degree felony offense, and that no adjudication hearing has been conducted concerning the said offense.

That the parents of the child are as follows:

MOTHER: (NAME & ADDRESS)

FATHER: (NAME & ADDRESS)

ATTORNEY: (NAME & ADDRESS)

IV.

That because of the extreme and severe nature of the alleged offenses above mentioned, the prospects of the adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of the procedures, services and facilities currently available to the Juvenile Court is in serious doubt.

V.

That the evidence in the above listed offense is sufficient for the juvenile court to determine that there is probable cause to believe that (RESP), the child before the court, committed the offense/S alleged.

VI.

That the evidence in the above listed complete diagnostic study, social evaluation and full investigation of the child, the child's circumstances and the circumstances of the alleged offense/S is sufficient for the Juvenile Court to determine that there are not resources available to the Juvenile Probation Department that can adequately rehabilitate (RESP), the child before the court, and that the seriousness of the offense/S and the protection of the community require that the matter be transferred to the appropriate Criminal Court for criminal proceedings pursuant to §54.02 of the Texas Family Code.

WHEREFORE, Petitioner prays that summons as required by law be issued and that this Honorable Court waive its jurisdiction over the said (RESP) and order that the said (RESP) be transferred to the proper Criminal Court for criminal proceedings therein.

Respectfully submitted,

(ELECTED)
Criminal District Attorney
_____ County, Texas

BY:
Assistant District Attorney
State Bar No.
ADDRESS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition was delivered to the Respondent's Attorney of Record, _____, on this the ____ day of _____, 200__ via facsimile at (fax number) / certified mail # _____/ hand Delivery.

signature