

NO.

IN THE MATTER OF	§	IN THE _____ COURT
<u>(RESP)</u> ,	§	OF _____ COUNTY, TEXAS
A CHILD	§	SITTING AS A JUVENILE COURT

WAIVER OF JURISDICTION AND ORDER OF
TRANSFER TO CRIMINAL COURT

On the _____ day of _____, 200_, personally appeared the juvenile-respondent, (RESP), his attorney, _____, his mother, _____, his father, _____, and _____, Juvenile Probation Officer for a hearing on the State’s Petition for Discretionary Transfer to Criminal Court of (RESP). All parties present announced ready for said hearing.

II.

While hearing evidence at the proceeding, the Court considered, among other matters, the following:

1. The sophistication and maturity of the child;
2. The record and previous history of the child;
3. The prospects of adequate protection of the public and the likelihood of rehabilitation of the child by the use of procedures, services and facilities currently available to the juvenile court; and
4. Whether there is a probable cause to believe that the child committed the offense.
5. Whether there is reason to believe that for a reason beyond the control of the State it was not practicable to proceed in juvenile court before my 18th birthday/ OR that after due diligence of the State it was not practicable to proceed in juvenile court before the

18th birthday of (RESP) 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.

After careful consideration of all the evidence presented, the Court finds the following:

1. (RESP) is alleged to have violated a penal law of the State of Texas of the grade of a CAPITAL/FIRST/SECOND/THIRD degree felony, to-wit: (OFFENSE) in violation of Section § of the Texas Penal Code, in that INSERT SPECIFIC PLEADINGS.
2. (RESP) is a male/female child who was born _____, and who is _____ years of age at the present time, and who resides at _____, _____ County, Texas.
3. That after due diligence of the State it was not practicable to proceed in juvenile court before the 18th birthday of (RESP) 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).
4. (RESP) was _____ years of age at the time of the alleged offense, that being (date of offense). (RESP) was personally served with a copy of the Petition Seeking Discretionary Transfer on (DATE OF SERVICE).
5. The mother of (RESP) is _____, who resides at _____, _____ County, Texas. Ms. _____ was personally served a copy of the Petition Seeking Discretionary Transfer on (DATE OF SERVICE).
6. The father of (RESP) is _____, who resides at _____, _____ County, Texas. MR. _____ was personally served a copy of the Petition Seeking Discretionary Transfer on (DATE OF SERVICE).

7. No adjudication hearing has been conducted to this point concerning the offense/S referenced herein.
8. The petition and notice requirements of Sections 53.04, 53.05, 53.06, and 53.07 of the Texas Family Code have been satisfied and proper summons notifying the parties that the hearing was for the purpose of considering waiver of jurisdiction and transfer to criminal court was served on Respondent, his mother, his father and attorney.
9. Prior to the hearing, the Court obtained a Clinical Evaluation, complete Diagnostic Study, Social Evaluation, and full investigation of the child, his circumstances and the circumstances of the alleged offense.
10. The Court has considered written reports from the probation officer, professional court employees, professional consultants in addition to the testimony of witnesses and find that the Court has complied with the one day requirement prior to the hearing in making available to (RESP'S ATTY), attorney of record, all written materials to be considered by the Court in making this transfer decision.
11. The Court considered the sophistication and maturity of the child and finds that Respondent is sophisticated and mature under the Code.
12. The Court considered the record and previous history of the child and the prospects of adequate protection of the public and the likelihood of rehabilitation of the child by use of procedures, services and facilities currently available to the juvenile court and the Court finds that the procedures, services, and facilities currently available to the juvenile court will not likely rehabilitate Respondent.

13. A full investigation and hearing of the child, his circumstances and the circumstances of the offenses was conducted by this Court and the Court finds that there is probable cause to believe that the child committed the offenses as alleged.
14. The Court has considered the seriousness of the offenses and the background of the child and finds that because of the seriousness of the offenses, the welfare of the community requires that criminal proceedings proceed in criminal court concerning the aforementioned felony offenses and all criminal conduct occurring in said criminal episodes.

IV.

IT IS ORDERED that jurisdiction of the _____ Court of _____ County, Texas, sitting as juvenile court, be and is hereby waived in this cause.

IT IS FURTHER ORDERED that (RESP), be and is transferred to the appropriate criminal district court of Gregg County, Texas for criminal proceedings as an adult, in accordance with the Texas Code of Criminal Procedure.

This cause is hereby **certified** on the offense of _____ committed on or about (date of offense).

V.

_____ is remanded to the custody of the Sheriff of _____ County, Texas. Bond is set at \$_____ (if not previously set).

Signed this _____ day of _____, 200.

PRESIDING JUDGE

COURT,
SITTING AS JUVENILE COURT