

Cause No. \_\_\_\_\_

IN RE:

§  306<sup>th</sup>  CC#1  CC#2  CC#3

§

§ OF GALVESTON COUNTY, TX

§

§ SITTING AS A JUVENILE COURT

\_\_\_\_\_   
 A Child

**SANCTION LEVEL TWO AGREEMENT**

**Parties:**

Child: \_\_\_\_\_

Parent/Guardian/Custodian: \_\_\_\_\_

Assistant District Attorney (assigned to underlying case): \_\_\_\_\_

Defense Attorney (assigned to underlying case): \_\_\_\_\_

The Court finds that the State of Texas has elected to defer prosecution and the child/parent(s)/guardian(s) have agreed to the Child being placed on Sanction Level Two (2) Deferred Prosecution Probation for a period of not less than three (3) months and not more than six (6) months, except as provided by §53.03(j) of the Texas Family Code.

Pursuant to the Galveston County Probation Department’s Deferred Prosecution Program, the Child and undersigned Parent(s) and/or Guardian(s) have been advised and acknowledge that:

1. Deferred Prosecution is in the interest of the Child and the public;
2. By their consent and agreement to the Deferred Prosecution Program, they are submitting to the jurisdiction of the Court for all purposes;
3. Deferred Prosecution may be terminated at any time by the Child, Parent(s)/Guardian(s), Prosecuting Attorney, or the Galveston County Probation Department by petitioning the court for a hearing on the pending petition that resulted in the deferred prosecution;
4. Pursuant to §53.03( c) “an incriminating statement made by a participant to the person giving advice and in the discussions or conferences incident thereto may not be used against the declarant in any court hearing”;
5. Except as otherwise permitted by State law (including but not limited to the provisions set out below in paragraphs 6-8), the Child may **not** be detained as a result of the Deferred Prosecution process;
6. Upon a formal written request by the Probation Officer that the matter pending before the court which resulted in the Child being placed on Deferred Prosecution be placed back on the Court’s docket, the Child shall be subject to being detained and placed on Conditions of Release pending a final hearing;

7. Should the Child, Parent(s)/Guardian(s), Prosecuting Attorney, or the Galveston County Probation Department decide **not** to continue with the Deferred Prosecution Program before the date of expiration, the Galveston County District Attorney's Office may proceed to a Trial on the Merits of the pending petition;
8. If the Child violates one or more of the Deferred Prosecution Rules and Conditions, attached hereto as Exhibit "A" and incorporated by reference for all purposes, the Juvenile Court may set the original matter for an adjudication hearing;
9. Deferred Prosecution shall begin on \_\_\_\_\_ and is intended to end on \_\_\_\_\_.

**APPROVED AND AGREED TO  
AS TO FORM AND CONTENT:**

**SIGNATURE OF Child**

\_\_\_\_\_  
**DATE**

**SIGNATURE OF PARENT/GUARDIAN**

\_\_\_\_\_  
**DATE**

**SIGNATURE OF PARENT/GUARDIAN**

\_\_\_\_\_  
**DATE**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**GALVESTON COUNTY PROBATION OFFICER**

\_\_\_\_\_  
**DATE**

**APPROVED BY COURT ON \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
**JUVENILE REFEREE**

In Re:

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**EXHIBIT A  
RULES AND CONDITIONS OF SL2 DEFERRED PROBATION**

A mark to the left of the rule indicates a rule specific to the Child and/or Parent(s), Guardian(s), and/or Custodian(s) who are parties to this suit. All of the marked Rules and Conditions of Probation shall be implemented, supervised, and administered by the Galveston County Juvenile Probation Department under whose direction and control the Child is placed during the term of the Child's Probation.

- \_\_\_\_\_ 1.     **XX**     The Child shall report to the assigned Probation Officer as requested and report any change of address, school, or employment within three (3) days of such change.
- \_\_\_\_\_ 2.     **XX**     The Child shall attend school and all classes every day, follow all rules and regulations, including but not limited to: not being late or skipping any classes, not disrupting class or otherwise causing any discipline problems. Further the Child shall make maximum effort to pass all courses OR attend GED classes as directed OR if legally excused from school attendance, work full time at suitable employment.
- \_\_\_\_\_ 3.     **XX**     The Child shall not leave Galveston County without permission of the Probation Officer or unless in the company of a parent, guardian or custodian named by the Court.
- \_\_\_\_\_ 4.     **XX**     The Child shall not violate any State law or City/County ordinance.
- \_\_\_\_\_ 5.     **XX**     The Child shall not move from the home of the Child's Parent(s), Guardian(s) and/or Custodian(s) and shall obey all lawful rules of the home established by the parent(s), guardian(s) or custodian(s).
- \_\_\_\_\_ 6.     **XX**     The Child shall be in the home by 8:00 p.m. on each Sunday through Thursday and by 9:00 p.m. on each Friday and Saturday and remain there until 6:00 a.m. the following morning unless permission is obtained from the Probation Officer to leave the home during prohibited hours.
- \_\_\_\_\_ 7.     \_\_\_\_\_     The Child, Parent(s), Guardian(s) and/or Custodian(s) shall pay and/or be jointly and severally liable with the following co-respondent and their respective Parent(s), Guardian(s) and/or Custodian(s):  
to pay restitution to \_\_\_\_\_,  
in the amount of \$ \_\_\_\_\_. Payments shall be made through the Galveston County Juvenile Probation Department on or before or in monthly installments of \$ \_\_\_\_\_ each beginning on and continuing on the first of each month thereafter until paid in full.
- \_\_\_\_\_ 8.     **XX**     The Child shall submit to and successfully pass random drug and alcohol testing when requested.
- \_\_\_\_\_ 9.     \_\_\_\_\_     The Child shall satisfactorily complete \_\_\_\_\_ hours of community service. Seven hours of community service shall be completed each month or as directed by the Child's Juvenile Probation Officer.
- \_\_\_\_\_ 10.    \_\_\_\_\_     The Child, Parent(s), Guardian(s) and/or Custodian(s) shall participate in an assessment and individual, family and/or group education services and follow any and all recommendations of the counselor(s) and/or therapist(s).

- \_\_\_\_\_ 11. \_\_\_\_\_ The Child, Parent(s), Guardian(s) and/or Custodian(s) shall participate in the Atlantis Court-Ordered Counseling session(s) - individual, family and/or including but not limited to the following core program classes, Welcome Module; Anger Management; De-Escalation; Arguing; Positive Discipline; The Power of Choices and Drug Education. The Child, Parent(s), Guardian(s) and/or Custodian(s) shall pay a fee of \$15.00 on or before to the facilitating program.
- \_\_\_\_\_ 12. \_\_\_\_\_ The Child shall write a one (1) page letter of apology to \_\_\_\_\_ . Said letter shall be submitted to the Child's Probation Officer within thirty (30) days of the signing of this order.
- \_\_\_\_\_ 13. XX The Child may have a profile on "My Space", "AIM", "Facebook" or similar web site, unless it shall be made accessible to the Court, Juvenile Probation Officer and parent(s)/guardian(s) and/or custodian(s) for monitoring purposes. Any site must be age and content appropriate at all times or it shall be subject to an Order to remove the profile from the site, completely.
- \_\_\_\_\_ 14. XX The Child, Parent(s), Guardian(s) and/or Custodian(s) shall appear before the Juvenile Judge or Juvenile Referee to review the Child's conduct regarding Rules and Conditions of Probation, upon the request of the Child's Probation Officer, Juvenile Judge or Juvenile Referee. Failure to appear as directed may result in this matter being referred back to the Galveston County District Attorney for formal prosecution of the pending petition.
- \_\_\_\_\_ 15. \_\_\_\_\_ The Parent(s), Guardian(s) and/or Custodian(s) shall comply with the following additional duties:
- \_\_\_\_\_ 16. XX The Child shall not have any contact with other juveniles or adults on probation or parole and specifically shall not associate with the following persons:
- \_\_\_\_\_ 17. \_\_\_\_\_ The Child, Parent(s), Guardian(s) and/or Custodian(s) shall not have any contact with the alleged victim or his/her family

**ACKNOWLEDGMENT OF RECEIPT OF RULES AND CONDITIONS:**

_____	_____
<b>SIGNATURE OF Child</b>	<b>DATE</b>
_____	_____
<b>SIGNATURE OF PARENT/GUARDIAN</b>	<b>DATE</b>
_____	_____
<b>SIGNATURE OF PARENT/GUARDIAN</b>	<b>DATE</b>