

## Magistrate's Juvenile Warning

TEX. FAMILY CODE § 51.095; TEX. CODE CRIM. PROC. arts. 45.054, 45.055,  
45.057THE STATE OF TEXAS  
VS.NO. \_\_\_\_\_  
X  
X  
XIN THE JUSTICE COURT  
PCT. \_\_\_\_\_ PLACE \_\_\_\_\_  
\_\_\_\_\_ COUNTY, TEXAS

(DEFENDANT)

MAGISTRATE'S JUVENILE WARNING

\_\_\_\_\_, age \_\_\_\_\_, personally appeared before me, the undersigned official, acting in capacity of magistrate, at \_\_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_ County, Texas. *Read and explain the following rights and warning to the juvenile:*

You are charged by the State of Texas with the offense of \_\_\_\_\_ which is a (degree/misdemeanor/felony \_\_\_\_\_).

- ☐ You have the right to have this offense expunged from your record at a later date, and you are being provided a copy of Article 45.0216 or 45.055, Code of Criminal Procedure, as applicable, which explains the procedure for applying to have the offense expunged; defendant's init. \_\_\_\_\_
- ☐ You may remain silent and not make any statement at all; defendant's init. \_\_\_\_\_
- ☐ Any statement that you make may be used in evidence against you; defendant's init. \_\_\_\_\_
- ☐ You have the right to an attorney; defendant's init. \_\_\_\_\_
- ☐ You have the right to have an attorney present to advise you before or during questioning; defendant's init. \_\_\_\_\_
- ☐ If you are unable to employ an attorney, you have the right to have an attorney appointed for you; defendant's init. \_\_\_\_\_
- ☐ You have the right to have the attorney counsel you before or during any interviews with peace officers or attorneys representing the state; defendant's init. \_\_\_\_\_
- ☐ You have the right to terminate the interview at any time; and defendant's init. \_\_\_\_\_
- ☐ If you are under the age of 17, you have an obligation to advise the court of any change of address for yourself and/or your parent after you reach the age of 17. Failure to do so is an offense. You are being provided with a copy of Article 45.057, Code of Crim. Proc. defendant's init. \_\_\_\_\_
- ☐ Do you understand these rights? defendant's init. \_\_\_\_\_
- ☐ Do you have any questions? defendant's init. \_\_\_\_\_

The above *Magistrate's Juvenile Warning* is mandatory; however, the following Acknowledgment by the Juvenile is not required. This procedure is optional at the discretion of the magistrate. **Note:** this form is **not a Waiver of Rights** under TEX. FAM. CODE § 51.09.

**JUVENILE'S ACKNOWLEDGMENT**

I have carefully listened to and understand each of the rights and warnings listed on page one of this Magistrate's Juvenile Warning. The rights and warnings were read and explained to me, as shown by my initials thereon. I have asked the magistrate any questions that I had regarding these rights and the magistrate has answered my questions to my satisfaction.

\_\_\_\_\_  
Signature of Juvenile

Time: \_\_\_\_\_ a.m./p.m. Date: \_\_\_\_\_

**MAGISTRATE'S CERTIFICATE**

\_\_\_\_\_, age \_\_\_\_\_, personally appeared before me in my official capacity as justice.

I certify that the statutory rights and warnings listed on page one of this Magistrate's Juvenile Warning were read and explained to the juvenile. I have determined that the juvenile understands the nature and contents of the warning, and voluntarily signed the above Acknowledgment.

SWORN TO and SUBSCRIBED before me, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace  
Pct. \_\_\_\_\_, Pl. \_\_\_\_\_  
\_\_\_\_\_ County, TX

Part II  
**JUVENILE STATEMENT FORM**

State of Texas

§  
§  
§

In the Justice Court

County of \_\_\_\_\_

Precinct No. \_\_\_\_\_, Place \_\_\_\_\_

My name is \_\_\_\_\_, and I am \_\_\_\_\_ years  
of age. I live at \_\_\_\_\_ in the city of \_\_\_\_\_  
Texas. I have \_\_\_\_\_ years of education and do read, write and understand the English language.  
I have been warned of my juvenile rights, pursuant to Section 51.09, Texas Family Code, by Magistrate,  
\_\_\_\_\_, in the city of \_\_\_\_\_  
\_\_\_\_\_, County, Texas at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_\_.

**I UNDERSTAND MY RIGHTS AS THEY HAVE BEEN EXPLAINED TO ME AND I DO HEREBY FREELY,  
KNOWINGLY AND VOLUNTARILY, WITHOUT BEING INDUCED BY ANY COMPULSION, THREATS,  
PROMISES OR PERSUASION, MAKE THE FOLLOWING STATEMENTS IN WRITING:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Magistrate

\_\_\_\_\_  
Signature of Juvenile

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Name of Magistrate (Print or Type)  
Justice of the Peace, Pct. # \_\_\_\_\_, Place \_\_\_\_\_  
\_\_\_\_\_, County, Texas



## This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

FORM 53

**Magistrate's Juvenile Warning - Magistrate's Verification of Admissibility of Statement of a Juvenile**  
**TEX. FAMILY CODE § 51.095**

THE STATE OF TEXAS  
 VS. \_\_\_\_\_  
 (DEFENDANT)

NO. \_\_\_\_\_

X  
 X  
 X

IN THE JUSTICE COURT  
 PCT. \_\_\_\_\_ PLACE \_\_\_\_\_  
 \_\_\_\_\_ COUNTY,  
 TEXAS

**MAGISTRATE'S VERIFICATION OF ADMISSIBILITY OF JUVENILE'S STATEMENT**

\_\_\_\_\_, age \_\_\_\_\_, personally appeared before me, the undersigned official, acting in capacity of magistrate, at \_\_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at ( \_\_\_\_\_ ) in \_\_\_\_\_ County, Texas. The following rights and warnings were read and explained to the juvenile:

You are charged by the State of Texas with the offense of _____ which is a (specify _____ misd./felony).	
1.	<input type="checkbox"/> You have the right to have this offense expunged from your record, and you are being provided a copy of Article 45.0216 or 45.055, Code of Criminal Procedure, as applicable, which explains the procedure for applying to have the offense expunged;
2.	<input type="checkbox"/> You may remain silent and not make any statement at all;
3.	<input type="checkbox"/> Any statement that you make may be used in evidence against you;
4.	<input type="checkbox"/> You have the right to an attorney;
5.	<input type="checkbox"/> You have the right to have an attorney present to advise you before or during questioning;
6.	<input type="checkbox"/> If you are unable to employ an attorney, you have the right to have an attorney appointed for you;
7.	<input type="checkbox"/> You have the right to have the attorney counsel you before or during any interviews with peace officers or attorneys representing the state; and
8.	<input type="checkbox"/> You have the right to terminate the interview at any time.
The juvenile was asked if the rights and warnings were understood and any questions asked by the juvenile were answered.	

**Admissibility of Juvenile's Statement**

The Juvenile's Statement is admissible in evidence in accordance with the provisions of Sec. 51.095, Texas Family code because the statement:

1. ☐ is in writing;
2. ☐ was made when (check one):
  - ☐ the juvenile was in a detention facility or other place of confinement;
  - ☐ the juvenile was in the custody of an officer; or

- ☐ during or after the interrogation of the child by an officer if the child is in the possession of the Department of Protective and Regulatory Services and is suspected to have engaged in conduct that violates a penal law of this state; and
3. ☐ The statement was signed in the presence of a magistrate with no law enforcement officer or prosecuting attorney present except that a magistrate may require a bailiff or a law enforcement officer if a bailiff is not available to be present unless the magistrate or other court personnel, however, in such a case a bailiff or law enforcement officer did not carry a weapon in the presence of the child;
4. ☐ The statement shows that the juvenile received the Magistrate's Juvenile Warning some time before the making of the statement;
5. ☐ I am fully convinced that the juvenile understands the nature and contents of the statement;
6. ☐ The juvenile signed the statement voluntarily;
7. ☐ The juvenile knowingly, intelligently, and voluntarily waived the rights listed on the Magistrate's Juvenile Warning form; and
8. I have spoken with and examined the juvenile independent of any law enforcement officer or prosecuting attorney, except as required to ensure the personal safety of the magistrate or other court personnel, and I have determined that the juvenile understands the nature and contents of the statement and has knowingly, intelligently, and voluntarily waived these rights.

### MAGISTRATE'S CERTIFICATE

I certify that the statutory rights and warnings listed on page one of this Magistrate's Verification were read and explained to the juvenile before the making of the attached statement.

I further certify that the procedures and requirements for the Admissibility of a Statement of a Child were properly performed as required by Section 51.095, Texas Family Code.

WITNESS my signature on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace  
Pct. \_\_\_\_\_ Pl. \_\_\_\_\_  
\_\_\_\_\_ County, TX