

Tex. R. Civ. P. 76a (Suggested Revisions) (December 20, 2016)

4. Hearing; In Camera Review. A hearing open to the public on a hearing to seal court records shall be held in open court as soon as practicable, but not less than fourteen days after the motion is filed and notice is posted. . . The court may inspect records in camera when necessary. [If the court determines that an in camera review is necessary, that material or information must be segregated and produced to the court in a sealed envelope [at least seven days before the hearing,] [within a reasonable time before the hearing]. The material or information produced to the trial court for in camera review must be placed in the custody of the official court reporter or filed with the clerk of the trial court before the hearing. The reporter or clerk must retain custody of the material or information reviewed in camera until the trial court or an appellate court having jurisdiction of the appeal [or original proceeding] orders the reporter or court clerk to transmit the material or information under seal to the appellate court, and the material or information is filed under seal in the appellate court.]
6. Order on Motion to Seal Court Records. A motion relating to sealing or unsealing court records shall be decided by written order, open to the public, which shall state: the style and number of the case; the specific reasons for finding and concluding whether the showing required by paragraph 1 has been made; the specific portions of court records which are to be sealed; [specify who may be given access to the records; the terms and conditions of access to the records;] and the time period for which the sealed portions of the court records are to be sealed. The order shall not be included in any judgment or order but shall be a separate document in the case; however, the failure to comply with this requirement shall not affect its appealability.
8. Appeal [Procedures].
 - (a) Any order (or portion of an order or judgment) relating to sealing or unsealing court records shall be deemed to be severed from the case and a final judgment which may be appealed by any party or intervenor who participated in the hearing preceding issuance of such order.

[(b) Documents that have been sealed by an order of the trial court or have been filed under seal by a party subject to a pending or anticipated motion to seal filed in the trial court must be filed in the appellate court as part of the appellate record in an appeal or an original proceeding pending in the appellate court.] The documents must be filed in [a manner that preserves confidentiality] [electronic form] [electronic form in a manner that preserves confidentiality] and must be labeled with the style of the case, the case number in the trial court [and in the appellate court] and a brief description of their contents.]

[(c)] The appellate court may abate the appeal and order the trial court to determine whether documents not filed in the trial court or that were not filed under seal in the trial court are court records that may be sealed in the proceeding in accordance with the standards and the procedures for sealing court records contained in this rule. The appellate court may ~~abate the appeal and~~ [also] order the trial court to direct that further public notice be given, or hold further hearings, or to make additional findings.