

# MEMORANDUM

TO: SCAC members

August 22, 2007

FROM: Jody Hughes

RE: TRAP Amendments to Require Redaction of Minors' Names

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Below is a revised version of proposed TRAP 9.8 drafted based on the discussion at the June SCAC meeting. It has been reviewed by Bill Dorsaneo and Justice Patterson but not the remainder of the appellate rules subcommittee. The draft rule below allows use of either initials (single or multiple) or pseudonyms and also extends beyond parties' briefs to include court opinions; I deliberately did not include court orders or judgments, since those are not as widely circulated as opinions and courts might prefer to use minors' true names in judgments even while using initials or pseudonyms in their opinions. I also added specific authority to order substitution in other cases as appropriate, and to issue sanctions for willful or persistent rule violations.

## Rule 9. Papers Generally

### **9.8 Use of Minors' Initials in Parental-Rights Termination Appeals.**

(a) In Appellate Briefing and Opinions. In an appeal of a suit under Family Code Title 2 (Child in Relation to the Family), Title 3 (Juvenile Justice Code), Title 4 (Protective Orders and Family Violence), or Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), a minor child shall be identified only by one or more initial letters of the minor's name or by a pseudonym in any party's brief, petition, motion, or other submission to an appellate court, or in any opinion issued by an appellate court, unless the court orders otherwise. An appellate court may order the parties to substitute initials or pseudonyms for minors' names in other appropriate cases involving minor children not included the case categories identified above, and a court may make such substitutions in opinions in such other cases where substitution of initials or pseudonyms is not required by this rule. An appellate court may sanction a party or an attorney for willful or persistent violations of either this rule or a court order issued pursuant to this rule.

(b) In Copies of Appendix Items. In an appeal of any category of case identified in subsection (a), for any necessary or optional appendix items to be included with a party's brief, petition, or motion, copies of any appendix items containing the name of a minor child shall be redacted so that the minor is identified only by one or more the initial letters of the minor's name or by a pseudonym. Nothing in this rule authorizes alteration of the original appellate record except as specifically authorized by court order.