

Tex. R. Civ. P. 76a (Suggested Revisions) (1/7/2016)

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 can have 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 are subject to a motion to seal filed in the trial court may be filed in a sealed envelope as part of the appellate record in an appeal or an original proceeding pending in the appellate court.*

(c) The appellate court may [abate an 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 standard and the procedures for sealing court records contained in this rule.* The appellate court may abate the appeal and order the trial court to direct that further notice be given, or to hold further hearings, or to make additional findings.