



**RQ-0612-JC**

Board Certified-Criminal Law  
Texas Board of Legal Specialization

office of  
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SEP 23 2002

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September 17, 2002

OPEN RECORDS DIVISION

Hon. John Cornyn  
ATTORNEY GENERAL OF TEXAS  
Price Daniel Sr., Bldg.  
P.O. Box 12548  
Austin, TX 78711

FILE # ML-42807-02  
I.D. # 42807

RECEIVED  
SEP 24 2002  
OPINION COMMITTEE

**RE:** *Family Code – "Section 160.633(a) On the request of a party and for good cause shown, the court may order a proceeding under this subchapter closed to the public; (b) A final order in a proceeding under this subchapter is available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause."*

Dear Hon. Cornyn:

As I am sure you are aware, the above statute was enacted on June 14, 2001. As you may not be aware, it has caused much confusion since then for the clerks across the State.

It is understood that once a suit for establishment of paternity is filed with the Court, all preliminary filings are "closed to the public". The clerks realize the reasoning behind closing these filings is to protect those that have been wrongly accused of fathering a child. However, there is confusion concerning one term of subsection (a) and most of subsection (b). Clarification of the word "proceeding" in subsection (a) is requested. Further, once the "final order" referenced in subsection (b) is filed, it is not as clear what the statute means.

Questions arise on several points. (1) Does the statute mean that the "final order", being "available for public inspection", is one that copies may legally be made from for anyone who requests such? (2) Is the order denying paternity open to the public? If so, this would seem contradictory to why the statute was enacted in the first place concerning the clerks' understanding of its origin. (3) Are motions, etc., filed after the order adjudicating the issue of paternity open to the public? If not, at what point do the filings become open record again?

*"Crime is like business, It goes where It is invited and Stays where It is well Treated"*

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It is of utmost importance in the clerks' minds to strictly adhere to the statutes of Texas. Oftentimes, the Legislature passes laws that require more explanation than what is written in the Codes -- this statute being one.

We will await your opinion.

Sincerely,

A handwritten signature in black ink, appearing to be "Robert E. Bell", written over a circular stamp or mark.

Robert E. Bell

REB/efm

cc: Mrs. Sharon Whittley, District Clerk  
115 W. Main Street  
Edna, TX 77957