

NO. 07-12-0035-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
APRIL 25, 2012

BRUCE WESLEY NICHOL, APPELLANT

V.

SUHAILA SAUD NICHOL, APPELLEE

FROM THE 431ST DISTRICT COURT OF DENTON COUNTY;
NO. 2009-20902-158; HONORABLE JONATHAN BAILEY, JUDGE

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

ORDER

Appellant, Bruce Wesley Nichol, has filed with this Court an unopposed motion to extend time to file Appellant's brief and to "unseal court record and transcribe testimony" of the trial court's in chambers interview with the child the subject of the underlying suit affecting parent-child relationship. That motion is granted in part and denied in part.

In a suit affecting the parent-child relationship, under certain circumstances, a court may conduct an in chambers interview of the child the subject of the proceeding to

determine the child's wishes as to possession, access, or any other issue. Tex. Fam. Code Ann. § 153.009 (West 2008). A record of that interview may be made,¹ and when made, that record shall be part of the record in the case. Tex. Fam. Code Ann. § 153.009(f) (West 2008).

Other than the unsworn statements contained in Appellant's motion, this Court is unaware of what efforts, if any, Appellant has made to secure a reporter's record of the interview he contends was conducted in this proceeding. Nor has Appellant even begun to comply with the requirements for a writ of mandamus pursuant to Rule 52 of the Texas Rules of Appellate Procedure. Accordingly, Appellant's motion pertaining to the "unsealing" of records is denied.

Because Appellant has the right to seek supplementation of the reporter's record to include any relevant portion of proceedings below pursuant to Rule 34.6(d) of the Texas Rules of Appellate Procedure, Appellant's motion to extend time to file his brief is granted. Accordingly, Appellant must file his brief within 30 days of the date the reporter's record has been supplemented or within 45 days of the date of this order if no supplementation is requested.² Appellee's brief must be filed within 30 days of the date the Appellant's brief is filed.

It is so ordered.

Per Curiam

¹A record of the interview is mandatory on the motion of a party, the amicus attorney, or the attorney ad litem when the child is 12 years of age or older. Tex. Fam. Ann. Code § 153.009(f) (West 2008).

²If Appellant has requested or requests that the reporter's record be supplemented to include any in chambers interview of the child the subject of this proceeding, he is directed to send a copy of that request to the Clerk of this Court.