



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 28, 1991

Mr. Ron Lindsey
Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

OR91-114

Dear Mr. Lindsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10590; your most recent correspondence with this office was assigned ID# 11375.

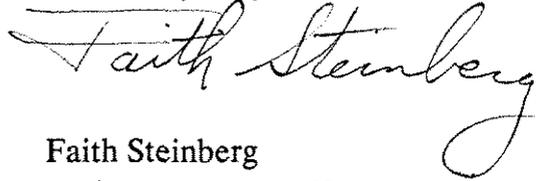
A parent has requested the Texas Department of Human Services (the department) to release to her all records pertaining to her child, who was seriously injured while under foster care. You state that you have released to the parent many of the child's records; you seek to withhold, however, the records directly pertaining to the child's injuries pursuant to section 3(a)(3) of the Open Records Act. You claim that litigation against your agency is reasonably anticipated because of the severity of the injuries, the high probability that they resulted from abuse by the foster mother, and the fact that an attorney for the child's mother has already indicated that he is filing a lawsuit against the foster mother. Additionally, you inform us that an assistant attorney general in the tort litigation section has been assigned to assist you with this potential litigation.

Given the above fact situation, it is not unreasonable for the department to anticipate litigation with regard to this matter. See Open Records Decision No. 452 (1986) (copy enclosed). The department may therefore withhold the requested information at this time pursuant to section 3(a)(3).

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Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-114.

Yours very truly,

A handwritten signature in cursive script that reads "Faith Steinberg". The signature is written in black ink and is positioned above the typed name.

Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/RWP/lcd

Ref: ID# 11375
ID# 10590
ID# 10763

Enclosures: Open Records Decision No. 452

cc: Herman Kirkland
2375 Southland
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