



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 26, 1994

Ms. Karen Hendershot Bailey  
Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR94-503

Dear Ms. Hendershot Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27618.

The City of Victoria has received a request for a copy of an offense report regarding a juvenile who committed suicide. The offense report is in the possession of the Victoria Police Department. You believe that section 552.101 of the Government Code, which incorporates section 51.14(d) of the Family Code, excepts the requested information from required public disclosure. We disagree.

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 thus incorporates section 51.14(d) of the Family Code, which provides as follows:

Except as provided by Article 15.27, Code of Criminal Procedure,<sup>1</sup> and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records

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<sup>1</sup>Article 15.27 of the Code of Criminal Procedure provides for public and private primary and secondary schools to receive notification that a particular student has been arrested or convicted or adjudicated of delinquent conduct.

[concerning a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties. [Footnote added.]

We have stated that section 51.14 is designed to preserve the traditional confidentiality of files and records concerning juvenile proceedings. Attorney General Opinion H-529 (1975) at 3 (citing Symposium, *Texas Family Code*, 5 TEX. TECH. L. REV. 533 (1974)).

While the language of section 51.14(d) speaks broadly of "the law-enforcement files and records" concerning a child, we construe section 51.14 in the context of title 3 of the Family Code, of which the section is a part. Title 3 pertains to delinquent children and children in need of supervision. Accordingly, section 51.14(d) protects only the law-enforcement files and records concerning a delinquent child or a child in need of supervision. The requested information does not pertain to such a child. Accordingly, section 51.14(d), and therefore section 552.101 of the Government Code, does not authorize the City of Victoria to withhold the information.

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

Yours very truly,



Kymberly K. Oltrogge  
Assistant Attorney General  
Open Government Section

KKO/LRD/rho

Ref: ID# 27618

Enclosures: Submitted documents

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cc: Mr. Gerald Farrell  
Staff Writer  
The Victoria Advocate  
P.O. Box 1518  
Victoria, Texas 77902  
(w/o enclosures)