



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 31, 1994

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

OR94-238

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code, chapter 552. Your request was assigned ID# 23811.

The City of Victoria (the "city") has received two requests for information regarding an incident that occurred on December 15, 1993. The city states that the information involves a report of child abuse against the child's mother, and that the matter is currently being investigated by Victoria Police Department (the "department") in cooperation with Children's Protective Services ("CPS"). The city asserts that the information is protected under section 552.101 of the act in conjunction with section 34.08 of the Family Code.

Section 34.08 of the Family Code provides in pertinent part:

(a) Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

You have not cited nor are we aware of any department regulation that permits disclosure of such information. CPS, however, has promulgated a regulation governing the release of CPS case information to CPS clients which provides as follows:

A child protective services client may review all information in the client's case record except the identity of the complainant, information exempted from disclosure under the Open Records Act, and information exempted under state laws.

40 T.A.C. § 700.103.

The city has demonstrated that the requested information is governed by chapter 34 of the Family Code. Furthermore, neither of the exceptions set forth in subsections (b) and (c) of section 34.08 applies to the situation here. In addition, we note that the parents of the victim of alleged child abuse have no special right of access to this information. *See* Open Records Decision No. 587 (1991). Finally, the department does not appear to have adopted regulations permitting access to the information. *See* Open Records Decision No. 440 (1986). Therefore, we conclude that the requested information is confidential under section 552.101 of the act in conjunction with section 34.08. Accordingly, the city must not release the requested information except in accordance with section 34.08. Although we do not address here whether either of the requestors is a client of CPS for purposes of the above-quoted regulation, we do note that the requestors may be entitled to review the information in the possession of CPS under the regulation.

If you have questions about this ruling, please contact this office.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC\rho

Ref.: ID# 23811

Enclosures: Submitted documents