



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 29, 1994

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

OR94-292

Dear Ms. 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# 25356.

The City of Victoria (the "city") has received a request for a specified offense report concerning allegations of child abuse. You contend that section 552.101 in conjunction with section 34.08 of the Family Code excepts the requested information from required public disclosure.

Section 552.101 of the act excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 34.08 of the Family Code provides as follows:

(a) Except as provided in Subsections (b) and (c) of this subsection, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.¹ [Footnote added.]

¹Subsections (b) and (c), which provide for disclosure of investigative materials to adoptive parents and prospective adoptive parents, respectively, are not applicable in this instance.

See Open Records Decision No. 587 (1991) (concluding that section 34.08 prohibits public disclosure of records of child abuse investigations). You state that the Victoria Police Department has not adopted regulations governing the release of information governed by section 34.08.² Accordingly, section 552.101 of the act in conjunction with section 34.08 of the Family Code prohibits the city from releasing the requested information.

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 contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/sbm

Ref.: ID# 25356

Enclosures: Submitted documents

²Children's Protective Services ("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 other state laws.

40 T.A.C. § 700.103. Although we do not address here whether the requestor is a client of CPS for purposes of the above-quoted regulation, we do note that the requestor may be entitled to review the information in the possession of CPS under the regulation.