



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 28, 1995

Ms. Sheree L. Rabe
Assistant City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-245

Dear Ms. Rabe:

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# 30234.

The City of Georgetown (the "city") received an open records request for a copy of an offense report pertaining to an assault of the requestor's child. You contend that because the offense report concerns a juvenile the requested information is deemed confidential under section 51.14(d) of the Family Code and, thus, must be withheld pursuant to section 552.101 of the Government Code.¹

This office has previously addressed the issue raised by your request. In Open Records Decision No. 628 (1994), this office discussed the scope of section 51.14 confidentiality:

This section applies only to juvenile offenders and not to juvenile crime victims. Section 51.14 provides, *inter alia*, that where a particular matter is within the jurisdiction of a juvenile court, the juvenile offender's records shall be confidential. [Citation omitted.] These provisions have no bearing on records relating to juvenile crime victims; they clearly apply only to records concerning juvenile offenders. Although the provisions express concern for the privacy of juvenile offenders, juvenile crime victims have thus far received no similar explicit statutory protection.

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Open Records Decision No. 628 (1994) at 6. Because the records at issue here pertain to a juvenile crime victim, and not to a juvenile offender, section 51.14 does not apply to these records.

This does not, however, end our discussion on the applicability of section 552.101. Chapter 34 of the Family Code concerns, among other things, reports of child abuse to local law enforcement agencies. Section 34.08(a) of the Family Code provides:

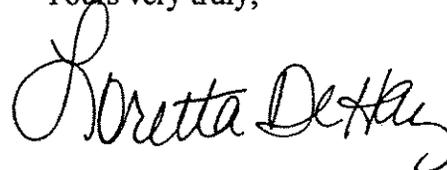
Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code *under regulations adopted by the investigating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

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. Neither subsection is applicable to the current request.

Because you have not cited any specific regulation that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the record at issue is confidential pursuant to section 34.08(a) of the Family Code. *See* Open Records Decision No. 440 (1986) at 2. Accordingly, the city may not release this record.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 30234

Enclosures: Submitted documents