



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Ms. Lisa A. Brown
Attorney for Katy I.S.D.
Bracewell & Patterson
711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781

OR95-851

Dear Ms. Brown:

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# 32159.

The Katy Independent School District (the "district"), which you represent, received an open records request for certain documents pursuant to the Open Records Act. Specifically, the requestor seeks the district's records regarding allegations of child abuse that have been alleged within the past three years. You contend the requested records are deemed confidential under section 34.08 of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.

Chapter 34 of the Family Code concerns reports of, among other things, child abuse to local law enforcement agencies and other agencies responsible for the protection of children. *See* Fam. Code § 34.012(1)(E). Section 34.08(a) of the Family Code provides:

Except as provided in Subsections (b) and (c)¹ 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 and footnote added.]

¹Subsections (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.

Section 34.08(a) provides that the "reports, records, and working papers used" by law-enforcement agencies during an investigation of alleged child abuse may be disclosed only in accordance with rules adopted by the respective agency. You inform this office that the district has shared all of the requested records at issue with Child Protective Services. Given that fact, the records are now confidential under section 34.08 of the Family Code. Consequently, the district must withhold these records from the public in their entirety pursuant to section 552.101.²

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# 32159

Enclosures: Submitted documents

cc: Mr. Terry Dawson
22606 Unicorns Horn Lane
Katy, Texas 77449
(w/o enclosures)

²Because we resolve your request under section 34.08 of the Family Code, we need not address the applicability of the other exceptions to public disclosure that you raised.