



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 27, 1995

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

OR95-988

Dear Ms. Rabe:

On behalf of the City of Georgetown (the "city"), 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# 32651.

The request at issue, which was directed to the city, is for a report of child abuse to the police department of the city. You claim that the report is confidential under section 51.14 of the Family Code and thus is excepted from disclosure under section 552.101 of the Government Code. We agree that the information is confidential and thus is excepted under section 552.101, but the basis for the confidentiality of the requested records is found in Family Code section 34.08, not section 51.14.

Chapter 51 of the Family Code, including section 51.14, involves delinquent children and children in need of supervision. See Family Code §§ 51.02 (defining *child*), .03 (defining *delinquent conduct* and *conduct indicating a need for supervision*). Our review of the requested information does not show that the subject child has committed delinquent conduct or conduct indicating a need for supervision.

On the other hand, chapter 34 of the Family Code concerns, among other things, reports of child abuse to local law enforcement agencies. The report at issue appears to be of this nature. Section 34.08(a) of the Family Code provides:

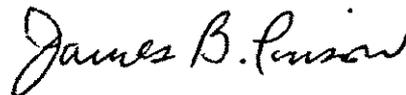
Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating 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 permits the release of this type of information, we assume that no such regulation exists. Given that assumption, the records at issue are confidential under section 34.08(a) of the Family Code. See Open Records Decision No. 440 (1986) at 2. Accordingly, the city must withhold 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,



James B. Pinson
Assistant Attorney General
Open Records Division

JBP/LRD/rho

Ref.: ID# 32651

Enclosures: Submitted documents

cc: Ms. Tina LeBlanc
P. O. Box 1862
Georgetown, Texas 78626
(w/o enclosures)