



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1995

Mr. Richard J. Ybarra
Assistant Attorney General
Open Records Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR95-1091

Dear Mr. Ybarra:

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# 36068.

The Accounting Division of the Office the Attorney General (the "division") received an open records request for "the payee name and address of" five specified cash warrants issued by the division. The division has released the requested information with regard to two of those warrants, but contends the names and addresses of the payees on the remaining three warrants are confidential under section 231.108 of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.¹

Section 231.108 is found in the newly enacted chapter 231 of the Family Code, which pertains to the administration of Title IV-D child support programs. See Act of April 20, 1995, ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 250 (Vernon). Chapter 231 contains the following provisions:

Sec. 231.001. DESIGNATION OF TITLE IV-D AGENCY.

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

The office of the attorney general is designated as the state's Title IV-D agency.²

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Sec. 231.004. TITLE IV-D REGISTRY.

The Title IV-D agency shall establish a registry for Title IV-D cases that shall:

- (1) receive child support payments;
- (2) maintain a record of child support paid and any arrearages owed under each order;
- (3) distribute child support payments received as required by law; and
- (4) maintain custody of official child support payment records.³

* * * *

Sec. 231.108. CONFIDENTIALITY OF RECORDS AND PRIVILEGED COMMUNICATIONS

(a) [A]ll files and records of services provided under this chapter, including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential. [Footnotes added.]

The division contends that the release of the name and address of the payees to whom the warrants at issue were issued would be in violation of section 231.108 of the Family Code. Assuming that warrants issued from the division's "Fund #944" are in fact issued from Title IV-D funds, we agree that the names and addresses of the payees on those warrants are confidential under section 231.108 and thus must be withheld from the public pursuant to section 552.101 of the Government Code.

²See Act of April 20, 1995, ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 247 (Vernon).

³*Id.*

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,



Rebecca L. Payne
Assistant Attorney General
Open Records Division

RLP/RWP/rho

Ref.: ID# 36068

cc: Ms. Heidi Browning
Administrative Assistant
Nelson-Brown Equities, Inc.
P.O. Box 3027
Portland, Oregon 97208