



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 8, 1995

Ms. J. Praba Cinclair
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1195

You asked whether information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 29428.

The Dallas Police Department (the "department") received an open records request for copies of all written statements and affidavits by certain individuals involved in two cases in which juveniles alleged that they had been sexually assaulted by teachers. You contend that the requested information is excepted from disclosure under common-law privacy as it is incorporated into section 552.101 of the Government Code. We conclude, however, that the requested information is excepted from disclosure by the successor to section 34.08 of the Family Code in conjunction with section 552.101 of the Government Code.¹

¹Title 2 of the Family Code, which includes section 34.08, was repealed in the most recent legislative session. See Act of April 20, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 262, 282. Section 261.201(a) of the new Title 2 is substantively the same as section 34.08(a) of the previous Title 2. See Act of May 25, 1995, 74th Leg., R.S., ch. 741, § 93, 1995 Sess. Law Serv. 3924, 3932. Section 261.201 which now appears at chapter 741, section 93 of the Session Laws provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The successor to section 34.08(a) of the Family Code, provides that reports, records, and working papers used or developed in a child abuse investigation are confidential and may be released only for purposes consistent with the purposes of the Family Code under regulations adopted by the investigating agency. The records requested in this case were developed during a child abuse investigation. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. The submitted documents are confidential and are excepted from public disclosure pursuant to section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. The 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 any other questions about this ruling, please contact our office.

Yours very truly,



Margaret Roll
Assistant Attorney General
Open Records Division

MAR/SAB/rho

Ref: ID# 29428

Enclosures: Submitted documents

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