



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 15, 1995

Ms. Mary E. Glover
Regional Attorney
Texas Department of Protective
and Regulatory Services
P.O. Box 6635
Abilene, Texas 79608

OR95-1234

Dear Ms. Glover:

You asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 30232.

The Texas Department of Protective and Regulatory Services (the "department") received a request for a copy of the investigative report and papers that concern the abuse and neglect of a child by a particular individual. You contend that section 552.103 of the Government Code exempts the requested information from disclosure.

In reviewing the information you submitted for review, we noted the applicability of section 34.08(a) of the Family Code. Section 34.08 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."¹ Section 552.101

¹Title 2 of the Family Code, which includes section 34.08, was repealed in the most recent legislative session.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 (Vernon). 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 (Vernon). 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:

of the Government Code excepts from required public disclosure information that is considered to be confidential by law, either constitutional, statutory, or by judicial decision. The records requested in this case were developed during a child abuse investigation. The submitted documents are confidential and are excepted from required public disclosure pursuant to section 552.101.²

Since we are resolving this request under section 552.101, we do not address your arguments raising section 552.103 as an exception to required disclosure. 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 questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/SAB/rho

Ref: ID# 30232

Enclosures: Submitted documents

cc: Mr. Cory Trent Davis
2012 Jackson
Pecos, Texas 79772
(w/o enclosures)

(Footnote continued)

(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.

²The result under the facts before us is the same whether the previous Family Code provision, section 34.08, or the new Family Code provision, section 261.201, is applied.