



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 13, 1996

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

OR96-0329

Dear Ms. Glover:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38856.

The Texas Department of Protective and Regulatory Services (the "department") received a request for its records relating to the department's investigation of a particular case of alleged abuse. You have submitted the requested records to this office for review. You contend that these records are excepted from disclosure by sections 552.101 and 552.108 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201(a) of the Family Code provides as follows:

(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 records requested in this instance were developed by the department during a child abuse investigation. Consequently, the records are confidential and are excepted from required public disclosure pursuant to section 552.101.<sup>1</sup> Because we are resolving this matter under section 552.101, we do not address your claim that section 552.108 excepts the records from disclosure.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 38856

Enclosures: Submitted documents

cc: Mr. Sam James Ybarra  
25 West 25th  
San Angelo, Texas 76903  
(w/o enclosures)

---

<sup>1</sup>The requestor is not a parent, managing conservator, or other legal representative of the child who is the subject of the investigation documented in the requested records. Therefore, the requestor does not have a statutory right to review the records. See Fam. Code § 261.201(f).