



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 29, 1996

Mr. Gary W. Smith
City Attorney
City of Greenville
2821 Washington
P.O. Box 1049
Greenville, Texas 75403-1049

OR96-0463

Dear Mr. Smith:

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 # 38966.

The City of Greenville (the "city") received a request for certain information pertaining to a minor including runaway reports. You have submitted several documents for our review and you contend the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Although you cite to amended portions of the Family Code governing access to juvenile records we note that all but one of the minor's reported actions occurred during the 1995 calendar year and therefore we will apply the law prior to the amendments to those reports.¹ At this time we are not ruling on the department's claimed exception as to the reported action occurring during the 1996 calendar year. You may withhold the reports generated during the 1996 calendar year

¹ The Seventy-fourth Legislature, in House Bill 327, significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code, effective January 1, 1996. See Act of May 27, 1995, ch. 262, §§53, 100, 105, 1995 Tex.Sess. Law Serv. 5127 (Vernon). However, these amendments apply only to conduct that occurs on or after January 1, 1996, *Id* §106, 1995 Tex.Sess.Law Serv. at 2591. We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for information regarding conduct that occurs on or after January 1, 1996.

pending our ruling on the impact of the recent Family Code amendment to the application of section 552.101 of the Government Code.²

Sections 51.14(d) of the Family Code provides, in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

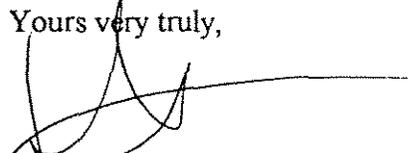
- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

This subsection lists the persons or entities who may gain access to juvenile records held in law-enforcement files and records, the subsection does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. Additionally, we note that *under the facts of the instant case, the minor is not subject to article 15.27, Code of Criminal Procedure, or subject to section 54.02 of the Family Code.*

It is not apparent to this office that any exceptions to the confidentiality provision set forth in section 51.14(d) apply in this instance. We conclude, therefore, that the city must withhold these records in their entirety pursuant to section 51.14(d) of the Family Code.

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,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 38966

² ORQ - 6

Enclosures: Submitted documents

cc: Lori Reyes
3317 Cornelia Street
Greenville, Texas 75401
(w/o enclosures)