



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 15, 1996

Mr. Randy Dale  
Regional Attorney  
Texas Department of Protective and Regulatory Services  
P.O. Box 6635  
Abilene, Texas 79608-6635

OR96-0724

Dear Mr. Dale:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40385.

The Texas Department of Protective and Regulatory Services (the "department") received a request for "a copy of the investigative report and papers created by [the department] in a [particular] Child Protective Service abuse and neglect investigation." You have submitted the requested information to this office for review. You contend that the information is excepted from required public disclosure under sections 552.101 and 552.108 of the Government Code.

Section 552.101 excepts from public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Section 261.307 of the Family Code provides in part:

As soon as possible after initiating an investigation of a parent or other person having legal custody of a child, the department shall provide to the person a brief and easily understood summary of:

...

(3) the person's right to review all records of the investigation *unless* the review would jeopardize an ongoing criminal investigation.

Section 261.307 limits the circumstances under which the department may release records of an investigation to a parent or legal custodian who is being investigated.

Here, the requestor is a parent of the child who is the subject of the investigation about which he is seeking information. The requestor is also being prosecuted by the Wichita County District Attorney in connection with the investigation. You have provided us with a letter from the Wichita County District Attorney's Office which states that the case in question "is under current or pending criminal prosecution by [that] office." An official from the Wichita County District Attorney's Office requests that the information at issue here "be held from release . . . because release of these records could hinder the investigation [or prosecution] of this case." Thus, the department must withhold the information at issue from the requestor under section 552.101 of the Government Code because section 261.307 of the Family Code prohibits its release to the requestor under these circumstances.

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# 40385

Enclosures: Submitted documents

cc: Mr. Troy Hooper  
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(w/o enclosures)