



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 30, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
Law Department  
P. O. Box 1088  
Austin, Texas 78767-1088

OR96-1800

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101371.

The City of Austin Police Department (the "department") received an open records request for all documents in the department's file's regarding an arrest for aggravated sexual assault of a child that occurred in 1989. You assert that the requested information is excepted from required public disclosure under sections 552.101 and 552.108 of the Government Code.

Section 552.101 excepts from required public disclosure information deemed confidential by law, either constitutional, statutory, or by judicial decision. Where the victim of a sexual assault or other sex-related offense is a child, section 261.201(a) of the Family Code may be applicable. Section 261.201(a) provides:

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 [of a child] 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.

We conclude that the information submitted to this office relating to an incident of child abuse or neglect are records developed in an investigation under chapter 261 of the Family Code, are confidential, and must be withheld in their entirety under section 552.101 of the Government Code.<sup>1</sup>

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 may 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,

A handwritten signature in black ink that reads "Todd Reese". The signature is written in a cursive style with a long horizontal line extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 101371

Enclosures: Submitted documents

cc: Mr. Carl Weeks  
Krueger & Associates  
815 A Brazos Street, Suite 260  
Austin, Texas 78701  
(w/o enclosures)

---

<sup>1</sup>As we resolve this matter under section 552.101, we need not address your arguments under section 552.108.