



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 8, 1996

Mr. Scott A. Durfee
General Counsel
Office of the District Attorney
District Attorney's Building
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR96-2069

Dear Mr. Durfee:

You have asked whether certain information is excepted from required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101604.

The Harris County District Attorney's Office (the "district attorney") received a request for a copy of all files pertaining to the arrest, investigation, and trial of a particular individual for aggravated sexual assault of a child. It is our understanding that documents filed with the Harris County District Clerk are not at issue. However, you assert that the remaining requested information is excepted from required public disclosure under sections 552.101, 552.103, 552.107, and 552.108 of the Government Code. You have enclosed a copy of the requested information for our review.

Section 552.101 of the Government Code in conjunction with Family Code §261.201 prohibits disclosure of the requested information to the general public. This Family Code provision reads in pertinent part 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.

Fam. Code § 261.201. The information submitted to this office consists of "reports, records, communications, and working papers" used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the district attorney has adopted with regard to the release of this type of information, we assume that no such rule exists. Given that assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. See Fam. Code § 261.201(a). Accordingly, the district attorney must withhold these records.¹

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 fact 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/SAB/ch

Ref.: ID#101604

Enclosures: Submitted documents

cc.: Mr. Gerald Bierbaum
P.O. Box 443
Wylie, Texas 75098
(w/o enclosures)

¹Because we conclude that you must withhold the requested records under the Family Code, we need not address the other exceptions that you claim.