



Office of the Attorney General

State of Texas

December 6, 1996

DAN MORALES

ATTORNEY GENERAL

Ms. Betsy Elam
Burleson City Attorney
Fielding, Barrett and Taylor
3400 Bank One Tower
500 Throckmorton Street
Fort Worth, Texas 76102-3821

OR96-2301

Dear Ms. Elam:

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# 37676.

The City of Burleson (the "city"), which you represent, received several open records requests for the city police department records concerning the requestor's juvenile son and daughter. You contend that the requested records are made confidential by section 51.14(d) of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.¹

We initially note that in the past legislative session, the 74th Legislature repealed section 51.14 of the Family Code and substantially revised it as part of chapter 58 of the code, effective January 1, 1996. *See* Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 53, 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2549-53, 2590-91 (Vernon). *See also* Open Records Decision No. 644 (1996) (effect of repeal on juvenile law-enforcement records) (copy enclosed). Prior to its repeal, section 51.14(d) provided as follows:

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 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;

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

However, despite the repeal of section 51.14(d), law-enforcement records pertaining to juvenile conduct that occurred prior to the effective date of the repeal continues to be confidential under that section. *See* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 106, 1995 Tex. Sess. Law Serv. 2591 (Vernon). Since a juvenile is identified, in each of the offense reports at issue, as a suspect of delinquent conduct or in need of supervision, and because all of the juvenile conduct occurred prior to January 1, 1996, we conclude that the city may release the requested records only in accordance with former section 51.14(d) of the Family Code.

Section 51.14(d) lists the persons or entities who may gain access to juvenile records; this section does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. This is in contrast to other subsections in former section 51.14 which allowed "with leave of the juvenile court" inspection of other juvenile records by any person "with a legitimate interest." *See* Fam. Code §§ 51.14(a)(4), (b)(4). Although the Attorney General has held that provisions of section 51.14(d) are not violated by the release of general statistical law-enforcement data which provides no real opportunity for identification of the juvenile, *see* Attorney General Opinion H-529 (1975), law enforcement agencies must withhold detailed reports of alleged delinquent conduct except as expressly authorized by the statute. Open Records Decision No. 181 (1977). The requestor in this instance is not among those persons specifically authorized to obtain the records at issue. Accordingly, the city must withhold these records from the requestor pursuant to Family Code section 51.14(d) in conjunction with section 552.101 of the Government 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,



Sam Haddad
Assistant Attorney General
Open Records Division

Ref.: ID# 37676

Enclosures: Open Records Decision No. 644
Submitted documents