



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 15, 1997

Mr. Donald L. Little  
Chief of Police  
City of Deer Park  
P.O. Box 700  
Deer Park, Texas 77536

OR97-0088

Dear Mr. Little

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# 102996.

The City of Deer Park (the "city") received a request for an offense report concerning a certain incident. The requestor is the father of the injured child. The city seeks however, to withhold the offense report based on sections 552.101 and 552.108 of the Government Code. You enclose a copy of the report you seek to withhold.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Accordingly, we proceed to section 261.201(a) of the Family Code which reads 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.

The requested information consists of "reports, records, communications, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. We believe subsection (a) is applicable to the requested information and note that you state that the city does not have any rules in place which govern a report of this type. Given this assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (predecessor statute). Accordingly, the city must withhold these records.<sup>1</sup> Further, because section 261.201(a) protects all "files, reports, communications, and working papers" related to an investigation of child abuse, the city must not release first page offense report information in cases of alleged child abuse.<sup>2</sup>

We are resolving this matter with this 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,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 102996

Enclosures: Submitted documents

cc: Ms. Belinda G. Swanzy  
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(w/o enclosures)

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<sup>1</sup>We note, however, that a parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect may be entitled, at least, to view the records of the investigation done by the Texas Department of Protective and Regulatory Services. *See* Fam. Code § 261.201(f); Fam. Code § 261.307.

<sup>2</sup>Having resolved the matter under section 261.201 of the Family Code, we need not address your claims under section 552.108 of the Government Code.