



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 16, 1997

Ms. Laura S. Portwood
Senior Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-1131

Dear Ms. Portwood:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 33628.

The Houston Police Department (the "department") received a request for four categories of records in a child molestation case. You inform us that you have released to the requestor all of the requested materials except for "the non-public portion of Offense Report No. 099899892." You further state that the non-public portion of the offense report was released to an attorney who represents the minor named in the report as the victim; the attorney provided the department with a release from the parents of the child. *See* Fam. Code § 261.201(f) (the department shall provide to the parent or other legal representative of a child, who is the subject of the reported abuse, information concerning the reported abuse that would otherwise be confidential). You claim that despite its previous release to someone with a special right of access, the non-public portion of the offense report is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 excepts from disclosure information which is "confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code provides that, except as otherwise provided by that section, the files, reports, records, communications, and working papers used or developed in an investigation under chapter 261 or in providing services as a result of an investigation are confidential and not subject to release under chapter 552 of the Government Code. Fam. Code § 261.201(a)(2). Here, the offense report falls within the purview of Family Code section 261.201(a)(2) and must be withheld.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 33628

Enclosures: Submitted documents

cc: Ms. Lisa A. Brown
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(w/o enclosures)