



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 24, 1997

Mr. David A. Smith
City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR97-2156

Dear Mr. Smith:

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# 109665.

The City of Victoria (the "city") received a request for a specific incident report. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from required public disclosure information deemed confidential by law, either constitutional, statutory, or by judicial decision. Where a child is the victim of alleged or suspected abuse or neglect, 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 is related to an incident of alleged child abuse or neglect, and are records developed in an investigation under chapter 261 of the Family Code. The records are therefore confidential, and must be withheld in their entirety under 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 109665

Enclosures: Submitted documents

cc: Mr. William Christian
Federal Public Defender's Office
P.O. Box 23011
Corpus Christi, Texas 78403-3011
(w/o enclosures)