



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 4, 1998

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR98-0330

Dear Mr. Dempsey:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112391.

The City of Garland (the "city") received a request from a parent for police reports into allegations of abuse of the requestor's child. The parent also asked for photographs that were taken of the child with possible injuries. You assert that portions of the requested information are excepted from disclosure pursuant to section 552.108 of the Government Code. You submitted the records at issue to this office for review, including photocopies of the requested photographs.

Because you indicate that the allegations concern possible abuse of a child, we conclude that section 261.201 of the Family Code is applicable. Subsection (a) of section 261.201 provides:

(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 . . . [the Family] 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 . . . chapter [261 of the Family Code] and the identity of the person making the report; and

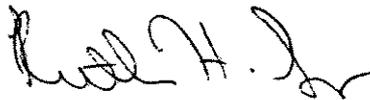
(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working

papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

The information consists of "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Thus, the information in the requested file may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the Garland Police Department, which is the agency that investigated the allegations. Since you have not informed this office that the Garland Police Department has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.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 facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 112391

Enclosures: Submitted information

¹Since section 261.201(a) makes the information at issue confidential, we need not address your other argument against disclosure.