



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 12, 1998

Mr. Todd Fitts
Assistant Criminal District Attorney
County of Harrison
P.O. Box 776
Marshall, Texas 75671

OR98-1209

Dear Mr. Fitts:

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# 114867.

The Harrison County District Attorney (the "district attorney") received a request for the files concerning three named individuals. You assert that the requested information is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. You also raise section 552.108 for a portion of the requested information. We have considered the exceptions you claim and have reviewed the representative sample documents you have submitted.¹

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that under section 58.007(c) of the Family Code, the information submitted for our review is confidential because it involves juvenile conduct. Currently, section 58.007 of the Family Code provides that law enforcement records concerning a child must not be publicly disclosed. Fam. Code § 58.007(c). However, the amending bill provides that "[c]onduct that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose." Act of June 2, 1997, H.B. 1550, 75th Leg., R.S. The requested information involves juvenile conduct that occurred before January 1, 1996. It appears that, at the time the conduct occurred, the

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and, therefore, does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

applicable law in effect was former Family Code section 51.14 which provides, in pertinent part:

(a) Except as provided by Subsection (e) of this section, or by Article 15.27, Code of Criminal Procedure, all files and records of a juvenile court, a clerk of court, or a prosecuting attorney [concerning a child] are open to inspection only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) an attorney for a party to the proceeding;
- (3) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court, or having custody of the child under juvenile court order; or
- (4) with leave of juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

Section 51.14(a) protects from disclosure the records and files of a prosecuting attorney involving proceedings in juvenile court. It appears that the submitted documents are a prosecutor's records and files pertaining to proceedings in juvenile court. It is not apparent that any of the provisions in section 51.14(a) allowing inspection of the records submitted apply to the requestor, nor do any of the exceptions to section 51.14(a) appear to apply here. Accordingly, we conclude that the district attorney must withhold these records from public disclosure under section 552.101 of the Government Code as information deemed confidential by law.

As we resolve this matter under section 552.101, we need not address your other argument. 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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref.: ID# 114867

Enclosures: Submitted documents

cc: Ms. Jean L. Hogan
Route 2, Box 246 AB-1
Kamack, Texas 75661
(w/o enclosures)