



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 18, 1998

Mr. Michael Currie
Henslee, Fowler & Hepworth
800 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-7444

OR98-2240

Dear Mr. Currie:

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# 118258.

The Navarro Independent School District (the "district"), which you represent, received a request for all information relating to a specific incident which occurred on October 17, 1997. Although you state that some of the requested information does not exist, you assert that the submitted documents are excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201(a) of the Family Code 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:

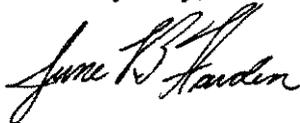
- (1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an

investigation under this chapter or in providing services as a result of an investigation.

Because the requested documents relate to an allegation of child abuse, the documents are within the scope of section 261.201 of the Family Code. We are not aware of any rules promulgated by the district which permit the dissemination of this type of information. Accordingly, the requested information is made confidential by section 261.201 of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code.¹ See Open Records Decision No. 440 (1986) (applying former Fam. Code § 34.08).

Because we are able to make a determination under section 552.101, we need not address your additional arguments against disclosure. 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/ch

Ref.: ID# 118258

Enclosures: Submitted documents

cc: Mr. Keith Vaughan
Carabin & Shaw
630 Broadway
San Antonio, Texas 78215
(w/o enclosures)

¹We note that parents may have a right of access to information maintained by the Texas Department of Protective and Regulatory Services. Fam. Code § 261.201(f).