



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1998

Captain Robert Taylor
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

OR98-3018

Dear Captain Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120260.

The Amarillo Police Department (the "department") received a request for a police report concerning possible child abuse from an attorney representing the parent of the child, who is now deceased. You ask if the report may be released to the attorney for the parent.

Section 552.101 of the Government Code excepts information from required public disclosure when the information is confidential by law. Subsection (a) of section 261.201 of the Family Code 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:

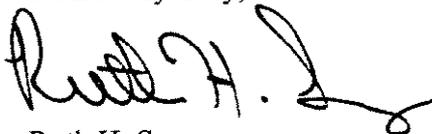
(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(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 report at issue was 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 department, which is the agency that investigated the allegation.¹ If the department has rules providing for release of this information to the parent, the information may be released in conformity with those rules. However, if the department has not adopted any rules providing for release of this information, the information at issue is confidential and may not be disclosed.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 120260

Enclosures: Submitted documents

cc: Mr. David Jones
Demarest, Smith, Jones, Giunta & Moore
2305 Cedar Springs Road, Suite 350
Dallas, Texas 75201
(w/o enclosures)

¹If the report was referred to the Department of Protective and Regulatory Services ("DPRS"), the requesting parent may have a right of access to certain records concerning this case. Section 261.201(f) provides that the DPRS, upon request and subject to its own rules:

shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect information concerning the reported abuse or neglect that would otherwise be confidential under this section if the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.