



April 12, 1999

Ms. Heather Silva  
Assistant City Attorney  
Criminal Law and Police Department  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR99-0978

Dear Ms. Silva:

You ask this office to reconsider our ruling in Open Records Letter No. 99-0007 (1999). Your request for reconsideration was assigned ID# 123875.

The Dallas Police Department (the “department”) received a request for documents relating to a specific juvenile. In Open Records Letter No. 99-0007, this office concluded in part that the department could not withhold the requested information as juvenile law enforcement records because the submitted documents were “not the types of records deemed confidential by section 58.007” of the Family Code. In your request for reconsideration, you explain that the representative sample the department originally submitted did not contain the juvenile records. You now ask that we review the submitted records to determine whether these documents must be withheld under section 552.101 of the Government Code in conjunction with 58.007 of the Family Code.

We note that section 552.301 of the Government Code imposes a duty on a governmental body seeking an open records decision to submit a copy of the specific information requested or representative samples of that information. You did not meet your statutory burden under section 552.301(b). However, because the information is confidential by statute, we will consider the merits of your original argument against disclosure.

Section 552.101 encompasses confidentiality statutes such as section 58.007 of the Family Code.<sup>1</sup> Juvenile law enforcement records relating to conduct that occurred on or after

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<sup>1</sup>Section 552.101 of the Government Code excepts from disclosure” information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

September 1, 1997 are confidential under section 58.007.<sup>2</sup> Section 58.007 applies to the records of a child who is ten years of age or older and under seventeen years of age, or who is seventeen years of age or older and under eighteen years of age and has engaged in delinquent conduct or conduct indicating a need for supervision before becoming seventeen years of age. Fam. Code § 51.02(2). Records relating to such conduct are confidential under section 58.007 and must be withheld from disclosure under section 552.101 as information made confidential by law. Consequently, Open Records Letter No. 99-0007 (1999) is overruled to the extent it conflicts with this ruling.

If you have any questions about this ruling, please contact our office.

Sincerely,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 123875

encl. Submitted documents

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<sup>2</sup>Prior to its repeal by the Seventy-fourth Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records. Law enforcement records pertaining to conduct occurring before January 1, 1996 are governed by the former section 51.14(d), which was continued in effect for that purpose. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591. This office has concluded that section 58.007 of the Family Code, as enacted by the Seventy-fourth Legislature, does not make confidential juvenile law enforcement records relating to conduct that occurred on or after January 1, 1996. Open Records Decision No. 644 (1996). The Seventy-fifth Legislature, however, amended section 58.007 to once again make juvenile law enforcement records confidential, effective September 1, 1997. Act of June 2, 1997, 75th Leg., R.S., ch. 1086, 1997 Tex. Gen. Laws 4179, 4187. It chose not to make this most recent amendment retroactive in application. Consequently, law enforcement records pertaining to juvenile conduct that occurred between January 1, 1996 and September 1, 1997, are not subject to the confidentiality provisions of either the former section 51.14(d) or the current section 58.007 of the Family Code.