



July 17, 2000

Mr. Arthur E. Clayton
Assistant Johnson County Attorney
Johnson County
2 North Main
Cleburne, Texas 76301

Dear Ms. Castillo:

Enclosed please find a corrected copy of ID# 138633 (OR2000-2663). The original document sent to you inadvertently was not signed. We apologize for any inconvenience this oversight may have caused.

Sincerely,

Leslie Pruski
Secretary to:
Carla Gay Dickson
Assistant Attorney General
Open Records Division

Ref: ID#s 138633

cc: Mr. Larry Rolle
Rolle, Breeland, Ryan & Landau
100 N. Central Expressway, Suite 900
Dallas, Texas 75201
(w/enclosure)



July 14, 2000

Mr. Arthur E. Clayton
Assistant Johnson County Attorney
Johnson County
2 North Main
Cleburne, Texas 76301

OR2000-2663

Dear Mr. Clayton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 138633.

The Johnson County Attorney's Office (the "CAO") received a request for information related to a particular offense. You claim that the submitted information is excepted from disclosure in its entirety under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. We have considered the exception you claim and have reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Family Code section 58.007(b) provides as follows:

(b) Except as provided by Article 15.27, Code of Criminal Procedure, the records and files of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title are open to inspection only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency as that term is defined by Section 58.101;
- (3) an attorney for a party to the proceeding;

(4) 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

(5) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

The submitted documents are records kept by a prosecuting attorney relating to a child who is a party to a proceeding. We agree that none of the exceptions to confidentiality is applicable, and there is no indication that the court has issued an order for the release of the information. Thus, the records are made confidential by section 58.007(c) of the Family Code and you must withhold the requested information in its entirety pursuant to section 552.101 of the Government Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental

body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/ljp

Ref: ID# 138633

Encl. Submitted documents

cc: Mr. Larry Rolle
Rolle, Breeland, Ryan & Landau
100 N. Central Expressway, Suite 900
Dallas, Texas 75201
(w/o enclosures)