



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 9, 2010

Mr. David K. Walker  
County Attorney  
Montgomery County  
Open Records Division  
207 West Phillips, Suite 100  
Conroe, Texas 77301

OR2010-03371

Dear Mr. Walker:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 372229.

The Montgomery County Juvenile Probation Department (the "department") received a request for information related to the detention of the requestor's child. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by section 58.007 of the Family Code, which makes confidential juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997. The relevant language of section 58.007 reads:

(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 [Title 3] are open to inspection only by:

- (1) the judge, probation officers, and professional staff or consultants of a 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.

...

- (i) In addition to the authority to release information under Subsection (b)(5), a juvenile probation department may release information contained in its records without leave of the juvenile court pursuant to guidelines adopted by the juvenile board.

Fam.Code § 58.007(b). The submitted information consists of records maintained by the department concerning a juvenile offender. We understand the submitted information relates to a juvenile who is a party to a proceeding under the Juvenile Justice Code, Title 3 of the Family Code. You state the requestor is not one of the persons or entities authorized to access this information under section 58.007(b). You do not indicate the juvenile board has adopted guidelines that govern the release of this type of information by the department. *See id.* § 58.007(i). Therefore, we assume no such guidelines exist. Given that assumption, and based on your representations and our review of the submitted information, we agree the submitted information is confidential under section 58.007(b) of the Family Code. Accordingly, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 58.007(b) of the Family Code.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Claire Morris Sloan". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/jb

Ref: ID# 372229

Enc. Submitted documents

c: Requestor  
(w/o enclosures)