



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 29, 2010

Ms. Ashley D. Fourt  
Assistant District Attorney  
Tarrant County Criminal District Attorney  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2010-04973A

Dear Ms. Fourt:

This office issued Open Records Letter No. 2010-04973 (2010) on April 8, 2010, pertaining to the Tarrant County Juvenile Services Department (the "department"). We have examined this ruling and determined that we made an error, which resulted in an erroneous determination. Where this office determines that an error was made in the decision process under sections 552.301 and 552.306 of the Government Code, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on April 8, 2010. *See generally* Gov't Code 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act"))).

The department received a request for information pertaining to a named individual. You claim that the requested 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 excepts 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 that other statutes make confidential, such as section 58.007 of the Family Code, which states in pertinent part:

(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 of the Family Code] 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.

...

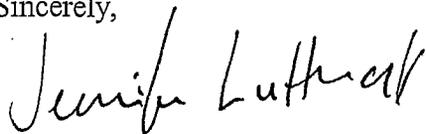
(i) In addition to the authority to release information under Subsection (b)(5), a juvenile probation department may release information contained in its records without leave of the juvenile court pursuant to guidelines adopted by the juvenile board.

Fam.Code § 58.007(b), (i). You assert the submitted information consists of records maintained by the department concerning a juvenile offender. Upon review, we agree the submitted documents are subject to section 58.007(b) of the Family Code. You state the requestor does not meet the requirements of any of the access provisions enumerated in section 58.007(b). However, as a juvenile probation department, the department has discretion to release the requested information pursuant to guidelines adopted by the juvenile board. *See id.* § 58.007(i). You do not inform us the juvenile board has adopted a rule governing the release of this type of information; therefore, we assume no such regulation exists. Given that assumption, and based on your representations and our review of the submitted information, 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 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 at (512) 475-2497.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Luttrall". The signature is written in a cursive style with a large initial "J".

Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/dls

Ref: ID# 384483

Enc. Submitted documents

c: Requestor  
(w/o enclosures)