



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 13, 2013

Ms. Diane Morris
Assistant Attorney General
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2013-14080

Dear Ms. Morris:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 496881 (PIR No. 13-36168).

The Office of the Attorney General (the "OAG") received a request for the following information for a specified time period:

1. information pertaining to final judgments in all paternity establishment cases;
2. the number of paternity cases wherein someone other than the presumed father is named the biological father; and
3. the number of finalized paternity cases.

The OAG released some of the information and asserts the remainder is excepted from disclosure under section 552.101 of the Government Code. We have considered the OAG's claimed exception to disclosure and have reviewed the submitted information. We have also received and considered the requestor's comments. *See Gov't Code § 552.304* (interested party may submit written comments regarding availability of requested information).

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. *Id.* § 552.101. Chapter 231 of the Family Code pertains to the administration of Title IV-D child support programs and provides the OAG is designated as the state's Title IV-D agency. *See* Fam. Code § 231.001.

Section 231.108(a) of the Family Code provides:

- (a) . . . all files and records of services provided under this chapter, including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential.

Id. § 231.108(a). In this instance, the requestor seeks the Title IV-D participants' information contained in the files and records of the OAG's Child Support Division obtained and maintained as part of its administration of child support services under chapter 231 of the Family Code. The exceptions described in section 231.108(c) do not apply. Therefore, we conclude the information at issue is confidential under section 231.108(a) of the Family Code.

However, the requestor asserts the information is public pursuant to sections 231.108(g) and 160.633 of the Family Code. Section 231.108(g) provides, "[t]he final order in a suit adjudicating parentage is available for public inspection as provided by Section 160.633." *Id.* § 231.108(g). The submitted information is not a final order; thus, section 231.108(g) is inapplicable. Next, section 160.633 provides:

- (a) A proceeding under this subchapter is open to the public as in other civil cases.
- (b) Papers and records in a proceeding under this subchapter are available for public inspection.

Id. § 160.633. Again, the submitted information is not a record used in a proceeding referenced in section 160.633. Thus, section 160.633 is also inapplicable. Accordingly, the OAG must withhold the information pursuant to section 231.108(a) of the Family Code in conjunction with section 552.101 of the Government 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.texasattorneygeneral.gov/open/>

[orl_ruling_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 496881

Enc: Submitted document

c: Requestor
(w/o enclosure)