ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 2, 2014

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

OR2014-07401

Dear Ms. Fourt:

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# 521459.

The Tarrant County District Attorney's Office (the "district attorney's office") received a request for information pertaining to the Access and Visitation Grant program's account. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You inform our office that the submitted information is maintained solely by the Tarrant County Domestic Relations Office (the "DRO"). We note the Act only applies to information that is "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business" by a governmental body. Gov't Code § 552.002(a)(1). The Act does not apply to records of the judiciary. *See id.* § 552.003(1)(B) (definition of "governmental body" under Act specifically excludes the judiciary). Information that is "collected, assembled, or maintained by or for the judiciary" is not subject to the Act. *Id.* § 552.0035(a); *see also* Tex. Sup. Ct. R. 12. Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion

DM-166 (1992). In *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ), the court explained the purpose of the judiciary exception as follows:

> The judiciary exception . . . is important to safeguard judicial proceedings and maintain the independence of the judicial branch of government, preserving statutory and case law already governing access to judicial records. But it must not be extended to every governmental entity having any connection with the judiciary.

Id. at 152. The court in *Benavides* found the Webb County Juvenile Board not to be a part of the judiciary. In so finding, the court reasoned that an analysis of the judiciary exception should focus on the governmental body itself and the kind of information requested. *See id.* at 151; *see also* Open Records Decision No. 572 (1990). This office has found that to fall under the judiciary exclusion, requested records must contain information that pertains to judicial proceedings and be subject to direct supervision of a court. Open Records Decision No. 671 (2001) (citing Open Records Decision No. 646 at 5 (1996)).

The DRO was established pursuant to section 203.002 of the Family Code to administer family court services. *See* Fam. Code §§ 203.002 (commissioner's court may establish domestic relations office), .003 (domestic relations office shall be administered as provided by commissioner's court or juvenile board). The DRO administers the access and visitation program on behalf of the Tarrant County family courts. Therefore, we understand that the DRO is acting "as an arm of the court." *See Delcourt v. Silverman*, 919 S.W.2d 777 (Tex. App.—Houston [14th Dist.] 1996, writ denied) (finding that guardian ad litem in child custody case was entitled to judicial immunity because ad litem was functionary or arm of court when engaged in investigating facts and reporting to court); *see also* Open Records Decision No. 646 at 4 (finding that function that governmental entity performs determines whether entity falls within judiciary exception to the Act). Accordingly, we conclude that the submitted information maintained by the DRO on behalf of the judiciary is not subject to the Act and need not be released in response to this request for information.[1] As our ruling is dispositive, we need not address your arguments against disclosure.

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.

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[1]We note records of the judiciary also may be public under other sources of law. *See* Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order); *see also Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released); Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974).

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,

Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/akg

Ref: ID# 521459

Enc. Submitted documents

c: Requestor
(w/o enclosures)