



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 20, 2014

Ms. Vanessa Burgess
Staff Attorney
Texas Juvenile Justice Department
P.O. Box 12757
Austin, Texas 78711

OR2014-08682

Dear Ms. Burgess:

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# 523380 (TJJD ORR# 23798).

The Texas Juvenile Justice Department (the "department") received a request for information related to a specified investigation.¹ You claim 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. Section 552.101 encompasses section 261.201 of the Family Code, which provides in relevant part as follows:

- (a) Except as provided by Section 261.203, the following information is confidential, is not subject to public release under [the Act], and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

¹We note the requestor excluded the names of juveniles from the request.

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). We note the department is authorized to conduct an investigation under chapter 261 of the Family Code.² *See id.* § 261.401(b) (state agency that provides oversight of program that serves children shall make prompt, thorough investigation of report that child has been or may be abused, neglected, or exploited in program). You state the department's Administrative Investigations Division ("AID") is responsible for conducting these chapter 261 investigations.

Upon review, we find the information at issue was used or developed in an investigation of alleged or suspected child abuse or neglect under section 261.201(a)(2). *See id.* § 261.001(1), (4) (defining "abuse" and "neglect" for purposes of Family Code chapter 261); *see also id.* § 101.003(a) (defining "child" for purposes of this section as person under 18 years of age who is not and has not been married or who has not had disabilities of minority removed for general purposes). Therefore, the submitted information falls within the scope of section 261.201(a) of the Family Code. We note the department has adopted rules concerning investigations of alleged abuse, neglect, or exploitation related to county probation programs. *See id.* § 261.409 (department by rule shall adopt standards for investigation under section 261.401 of Family Code); 37 T.A.C. § 349.520. You state the requestor does not have a right of access to the information subject to section 261.201(a)(2) of the Family Code under the department's rules in this instance.³ *See* 37 T.A.C. § 349.520. Accordingly, we conclude the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.

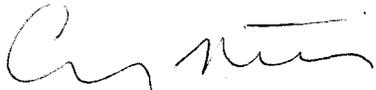
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

²Effective December 1, 2011, the Texas Youth Commission became known as the Texas Juvenile Justice Department. *See* Hum. Res. Code § 201.001(b).

³We note the department states, because the juvenile victims here are probationers, section 261.201(i) of the Family Code, which applies to release of information related to chapter 261 investigations of youth committed to the department, is not applicable.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 523380

Enc. Submitted documents

c: Requestor
(w/o enclosures)