



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 8, 1991

Ms. Mary Ann Courter  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR91-460

Dear Ms. Courter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Specifically, you have received a request from the father of a juvenile who was killed in an automobile accident for records relating to that accident. A passenger also killed in the accident was not a juvenile. You ask whether these records must be withheld pursuant to section 3(a)(1) of the Open Records Act as "information deemed confidential" by section 51.14(d) of the Family Code. Your request was given the file number RQ-123 by this office.

As noted, the child who is the subject of the records in question survived the accident by less than an hour. The fact that the child is deceased and the fact that there was never any opportunity to initiate a juvenile proceeding under Title 3 of the Family Code with respect to the events surrounding the accident both raise questions regarding the applicability of section 51.14 of the Family Code to the records in question. However, we need not reach these questions to dispose of the question before us.

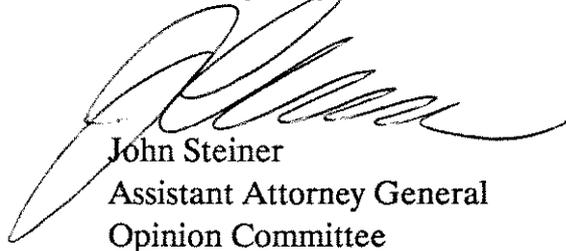
Assuming, *arguendo*, the applicability of section 51.14 to the records in question, we note that subsection (d) provides that inspection of law-enforcement records is permitted by an attorney for a party to the proceeding. Section 51.02 of the Family Code defines "party" as the subject child or "the child's parent, spouse, guardian, or guardian ad litem." The requestor in this instance is the child's parent. It seems anomalous indeed that the legislature intended that the child's parent may have access to the records through an attorney but not have such access directly.

We think it more likely that the legislature was merely speaking to the usual state of affairs in the event of such a proceeding. In the current circumstance, we believe the proper view is to consider the requestor as acting *pro se*, that is, as his own attorney.

Accordingly, section 51.14(d) of the Family code does not provide for confidentiality of the records in question with respect to this requestor. As you have raised no other ground for denying this request, we find the records must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-460.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/lb

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