



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 22, 1991

Ms. Elaine H. Piper  
Assistant City Attorney  
Police Legal Advisor  
The City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79999

OR91-589

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12909.

The El Paso Police Department (the department) received an open records request for police investigation reports on two criminal complaints involving incidents of child abuse. You contend that the requested information comes under the protection of sections 3(a)(1) and 3(a)(8) of the Open Records Act. Because this office has determined that the requested information is deemed confidential by law, we need not determine whether the reports are otherwise protected by section 3(a)(8).

Chapter 34 of the Family Code concerns reports of, *inter alia*, physical and mental abuse to a child to local law enforcement agencies. See Family Code § 34.012(1). Section 34.08(a) of the Family Code provides:

Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes

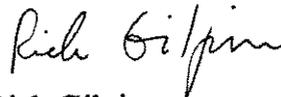
of this code under regulations adopted by the investigating agency.

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. Neither subsection is applicable to the current request.

Your request is governed by Open Records Decision No. 440 (1986). Because you have not cited any specific regulation that the department has adopted with regard to the release of this type of information, we assume that no such rule exists. Given that assumption, the records at issue are confidential pursuant to section 34.08(a) of the Family Code. The department must therefore withhold these records pursuant to section 3(a)(1) of the act, which protects "information deemed confidential by law."

Because case law and prior published open records decisions resolve your request, 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 OR91-589.

Yours very truly,



Rick Gilpin  
Assistant Attorney General  
Opinion Committee

RG/RWP/lcd

Ref.: ID# 12909  
ID# 12954

Enclosures: Submitted documents

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