



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 25, 1994

Ms. Marcie L. Trettin  
Staff Attorney  
Texas Commission on Fire Protection  
P. O. Box 2286  
Austin, Texas 78768-2286

OR94-390

Dear Ms. Trettin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25228.

The Texas Commission on Fire Protection (the "commission") has received a request for information relating to a certain complaint involving theft of fireworks. Specifically, you advise us that the requestor seeks a copy of the complaint relating to an incident reported on July 17, 1992, in case # L-25-002-7. You have submitted the requested information to us for review and claim that section 552.101 of the Government Code excepts it from required public disclosure.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 51.14(d) of the Family Code. Section 51.14(d) of the Family Code, as amended by Acts 1993, 73d Leg., ch. 461, § 3, at 1852, 1854, provides, in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public. . . .

*See also* Open Records Decision No. 181 (1977) at 2 (holding that police reports which identify juveniles or furnish a basis for their identification are excepted by section 51.14(d)).

"Child," for purposes of section 51.14, is defined at section 51.02 of the Family Code. Section 51.02 provides in pertinent part:

(1) "Child" means a person who is:

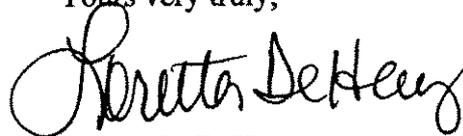
(A) ten years of age or older and under 17 years of age; or

(B) seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

The information you have submitted to us for review relates to a commission investigation of an incident involving a seventeen year old and an adult. The commission investigated acts that the seventeen year old allegedly committed when he was seventeen years of age. Neither of the persons alleged to have committed acts in this case is "ten years of age or older and under 17 years of age" or "is alleged or found to have engaged in delinquent conduct . . . as a result of acts committed before becoming 17 years of age." Accordingly, neither of the persons at issue here is a "child" for purposes of chapter 51 of the Family Code. We conclude, therefore, that section 51.14(d) of the Family Code does not apply in this instance. Because you have asserted no other exceptions to required public disclosure, you must release the requested information in its entirety.

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 contact this office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/GCK/rho

Ref.: ID# 25228

Enclosures: Submitted documents

cc: Mr. Richard Eddington  
Law Offices of Warren L. Eddington, P.C.  
1101 Third Street, Suite 300  
Corpus Christi, Texas 78404  
(w/o enclosures)