



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 28, 1995

Ms. Emily E. Helm  
Director of Legal Services  
Texas Youth Commission  
P.O. Box 4260  
Austin, Texas 78765

OR95-848

Dear Ms. Helm:

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# 31892.

The Texas Youth Commission (the "commission") received an open records request for information relating to a child in the commission's custody. Specifically, the requestor, a commission employee, seeks records pertaining to the commission's investigation into an allegation that he mistreated the child. You state that although the commission has informed the requestor of the investigation "findings and conclusions," apparently in accordance with 37 TAC § 89.15(b)(1)(J), the commission has refused to release any of the remaining records. You contend that the requested information is made confidential by section 51.14(b) of the Family Code and is therefore excepted from public disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 51.14(b) of the Family Code provides as follows:

All files and records of a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court are open to inspection only by:

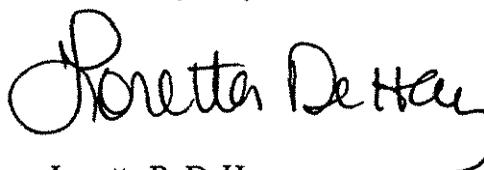
- (1) the professional staff or consultants of the agency or institution;
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child;
- (4) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the work of the agency or institution; or
- (5) the Texas Department of Corrections, the Department of Public Safety, and the Texas Juvenile Probation Commission, for the purpose of maintaining statistical records of recidivism, and for diagnosis and classification.

Fam. Code § 51.14(b) (footnote omitted); *see also id.* § 34.22(b) (Department of Protective and Regulatory Services must be informed of each report of neglect or abuse of child in state facility).

The records at issue clearly come within the scope of section 51.14(b). Moreover, we agree that although the requestor is a staff member for purposes of section 51.14(b)(1), the release of the records at issue in this instance is within the commission's discretion.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref.: ID# 31892

Enclosures: Submitted documents

cc: Mr. Matthew Thedford  
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(w/o enclosures)