



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 2, 1995

Mr. Rex McEntire
City Attorney
City of North Richland Hills
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR95-1035

Dear Mr. McEntire:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36019.

The North Richland Hills Police Department (the "department") received an open records request for police reports and "all paper work" pertaining to a 1993 incident of a sexual assault of a child. You contend the requested records are confidential pursuant to section 34.08 of the Family Code and thus may not be released.

Please note that chapter 34 of the Family Code has been repealed. *See* Act of April 20, 1995, ch. 20, § 2, 1995 Tex. Sess. Law Serv. 282 (Vernon). The confidentiality provision previously found at section 34.08 of the Family Code is now found in Family Code chapter 261, which concerns, among other things, reports of child abuse to local law enforcement agencies. *See id.*, § 1; Open Records Decision No. 628 (1994) at 5 (predecessor statute). Section 261.201 of the Family Code provides:

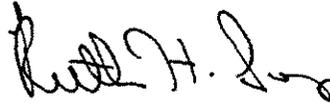
Except as provided in Subsections (b) and (c), the reports, records, and working papers used or developed in an investigation under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under rules adopted by the investigating agency.

See Act of April 20, 1995, ch. 20, § 1, 1995 Tex. Sess. Law Serv. 262 (Vernon). 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.

Because you have not cited any specific rule that the department has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. See Open Records Decision No. 440 (1986) at 2 (predecessor statute). Accordingly, the department must withhold these records.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 36019

Enclosure: Submitted records

cc: Mr. Daniel Pineda
846 Lavender
Keller, Texas 76248
(w/o enclosure)