



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1995

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR95-1160

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 36326.

The City of Austin Police Department received an open records request for all records relating to a particular child. A form signed by the child's mother authorizes the department to release to the requestor any confidential information regarding the child. You contend, however, that the requested information is excepted from disclosure by section 552.101 of the Government Code in conjunction with the successor to section 34.08 of the Family Code and with common-law privacy.

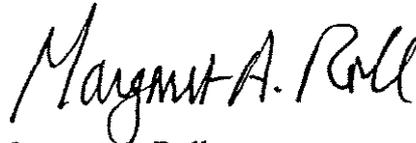
We conclude that you must withhold three of the documents you submitted for review under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.¹ Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 51.14(d) of the Family Code makes confidential law enforcement records relating to juvenile suspects. The records you submitted for review include three offense reports regarding offenses committed by juveniles. Section 51.14 of the Family Code applies to these records and prevents you from releasing them.

¹The Seventy-fourth Legislature repealed section 51.14 and added a revised version of it to the Family Code. See Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 53, 100, 1995 Tex. Sess. Law Serv. 2517, 2552-53, 2590 (to be codified at Fam. Code § 58.007). However, this amendment to the law is not effective until January 1, 1996. *Id.* at § 105, 1995 Tex. Sess. Law Serv. 2517, 2590-91.

We conclude, on the other hand, that you must release the fourth document you submitted for review. This document is a protective order, which mentions one adult and one child as victims. Although the protective order indicates that the child was a victim of family violence, it is not protected by either common-law privacy or by statute. See Open Records Decision Nos. 628 (1994) at 3-6, 611 (1992) at 1-2. In fact, all the information contained in the document you submitted for review is available in the public records of the court that issued the protective order. See Fam. Code § 71.111. We have marked the documents accordingly.

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,



Margaret A. Roll
Assistant Attorney General
Open Records Division

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Ref: ID# 36326

Enclosures: Marked documents

cc: Beth Ann Larsen, LMSW, ACP
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(w/o enclosures)