



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1995

Ms. Sheree L. Rabe
Assistant City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-1332

Dear Ms. Rabe:

You ask whether information is subject to required public disclosure under the Open Records Act, Chapter 552 of the Government Code. Your request was assigned ID# 28812.

The City of Georgetown (the "city") received an open records request for a copy of the arrest report of a particular juvenile. The requestor is the parent of the juvenile in question. You explain that you have withheld the arrest report because the case has been referred to the juvenile authorities. Specifically, you argue that under section 51.14(d) of the Family Code law enforcement files concerning juveniles are confidential. You argue that since parents are not included in the specific list of individuals who may have access to the records of a juvenile, you must withhold the records from the requestor. In the alternative, you claim that section 552.108 excepts the records from required public disclosure.

Section 51.14 of the Family Code, dealing with juvenile records, provides, in pertinent part:

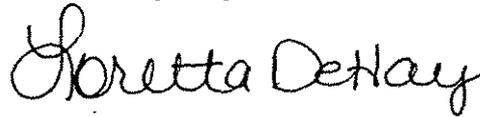
(d) Except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

To show that the information at issue is excepted from disclosure under section 51.14(d) of the Family Code, you have submitted to this office a copy of the arrest report containing the juvenile's name. You explain that the requested information concerns a child of 14 years, who under section 51.01 of the Family Code, is defined as a juvenile. Therefore, we conclude that the city must withhold the arrest report containing the name of the juvenile as provided by section 51.14 of the Family Code.¹

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.² If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/SAB/rho

Ref.: ID# 28812

Enclosures: Submitted documents

¹The Seventy-fourth Legislature, in House Bill 327, has significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code, effective January 1, 1996. See Act of May 27, 1995, ch. 262, §§ 53, 100, 105, 1995 Tex. Sess. Law Serv. 5127 (Vernon). We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for this type of information that are made on or after January 1, 1996.

²Because the arrest report must be withheld under section 51.14(d) of the Family Code, we do not address your argument that the document is excepted from disclosure under section 552.108 of the Government Code.