



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1995

Mr. Mark S. Houser  
City Attorney  
City of Highland Village  
1717 Main Street, Suite 4400  
Dallas, Texas 75201

OR95-1390

Dear Mr. Houser:

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# 35384.

The City of Highland Village (the "city") received an open records request for the city police department's records pertaining to an investigation of telephone harassment. You contend that because the offender was a juvenile the requested records must be withheld from the requestor pursuant to section 51.14(d) of the Family Code<sup>1</sup> in conjunction with section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 51.14(d) of the Family Code, dealing with juvenile records, provides in pertinent part:

(d) 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, but inspection of the files and records is permitted by:

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<sup>1</sup>We note that in the recent legislative session, the 74th Legislature repealed section 51.14 of the Family Code, effective January 1, 1996. Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2590-91 (Vernon). We do not address in this ruling the effect of the legislature's action on requests made after January 1, 1996.

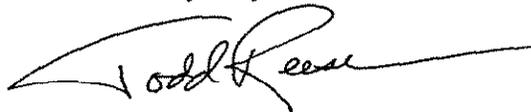
- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

This subsection lists the persons or entities who may gain access to juvenile records held by law-enforcement officials; the subsection does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. This is in contrast to other subsections in section 51.14 which allow "with leave of the juvenile court" inspection of other juvenile records by any person "with a legitimate interest."<sup>2</sup> *See, e.g.,* Fam. Code § 51.14(a)(4), (b)(4).

Although the Attorney General has held that provisions of section 51.14 are not violated by the release of general statistical law-enforcement data which provides no real opportunity for identification of the juvenile, *see* Attorney General Opinion H-529 (1975), detailed reports of alleged delinquent conduct must be withheld. *See* Open Records Decision No. 181 (1977). If the reports are detailed enough to reveal a juvenile's identity, the reports cannot be released, even with the deletion of the juvenile's name. *See id.*

After reviewing the records at issue, we conclude that the city must withhold these records in their entirety pursuant to section 51.14(d) of the Family Code. 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,



Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/RWP/ch

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<sup>2</sup>You suggest that the requestor, an attorney acting on behalf of the victim of the harassment, may have a special right of access to the information. In Attorney General Opinion DM-334 (1995), this office concluded that it would be within the discretion of the juvenile court to determine whether public policy justified the release of juvenile court records to the victim of juvenile conduct. We do not believe that the rationale found in Attorney General Opinion DM-334 (1995) is applicable to these law-enforcement records.

Ref.: ID# 35384

Enclosures: Submitted documents

cc: Mr. Bill Liebe  
125 St. Francis Place  
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(w/o enclosures)