



Office of the Attorney General
State of Texas

September 11, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. D. Kay Woods
Abernathy, Roeder, Robertson & Joplin
P.O. Box 1210
McKinney, Texas 75069-1210

OR96-1641

Dear Ms. Woods:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100523.

The Plano Independent School District (the "district"), which you represent, received a request for a copy of the child abuse report concerning the requestor's daughter. You have submitted a copy of the report to this office for review. You claim that the report is excepted from disclosure under section 552.101 of the Government Code as information made confidential by section 261.201 of the Family Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

You state that the report at issue has been forwarded to the Department of Protective and Regulatory Services ("DPRS") for investigation. Thus, the report is confidential under section 261.201(a)(2)

of the Family Code and must be withheld from disclosure under section 552.101 of the Government 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 regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 100523

Enclosures: Submitted documents

¹Section 700.103 of title 40 of the Texas Administrative Code, a DPRS regulation, provides:

A child protective services client may review all information in the client's case record except the identity of the complainant, information exempted from disclosure under the Open Records Act, and information exempted under other state laws.

40 T.A.C. § 700.103. Although we do not address here whether the requestor is a client for purposes of the above-quoted regulation, we do note that the requestor may be entitled to review the requested information in the possession of DPRS under the regulation.