



## Office of the Attorney General

State of Texas

November 7, 1996

DAN MORALES  
ATTORNEY GENERAL

Mr. Scott A. Durfee  
General Counsel  
201 Fannin, Suite 200  
Houston, Texas 77002-1901

OR96-2058

Dear Mr. Durfee:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101605.

The Harris County District Attorney received a request for all records concerning a certain arrest and investigation. You state that you will release those documents previously filed with the Harris County District Clerk. You claim, however, that the remaining, responsive information is excepted from required public disclosure by sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.101 excepts from required public disclosure information deemed confidential by law, either constitutional, statutory, or by judicial decision. Where a child is the victim of alleged or suspected abuse or neglect, section 261.201(a) of the Family Code may be applicable. Section 261.201(a) provides:

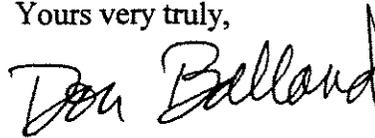
The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect [of a child] 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.

We conclude that the information submitted to this office is related to an incident of alleged child abuse or neglect, and are records developed in an investigation under chapter 261 of the Family Code. The records are therefore confidential, and must be withheld in their entirety under section 552.101 of the Government Code.<sup>1</sup>

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 questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 101605

Enclosures: Submitted documents

cc: Mr. Gerald Bierbaum  
T.S. Francis & Associates  
P.O. Box 443  
Wylie, Texas 75098  
(w/o enclosures)

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<sup>1</sup>As we resolve this matter under section 552.101, we need not address your argument under section 552.108.