



Office of the Attorney General  
State of Texas

September 22, 1997

DAN MORALES  
ATTORNEY GENERAL

Ms. Barbara Heptig  
Assistant City Attorney  
City of Arlington  
101 W. Abram Street  
Arlington, Texas 76004-0231

OR97-2123

Dear Ms. Heptig:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109191.

The City of Arlington (the "city") received a request from a parent concerning an alleged sexual assault of the requestor's child. You assert that the requested information is excepted from disclosure pursuant to section 261.201 of the Family Code in conjunction with section 552.101 of the Government Code. You also assert that the information at issue is excepted from disclosure pursuant to section 552.108 of the Government Code and other provisions of state and federal law.

Section 552.101 of the Government Code excepts information from required public disclosure when the information is confidential by law. Subsection (a) of section 262.201 of the Family Code provides:

(a) 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 . . . [the Family] 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 . . . chapter [261 of the Family Code] 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 . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

You submitted to this office the requested information. We have reviewed this information, which consists of “reports, records, communications, and working papers used or developed” in an investigation made under chapter 261 of the Family Code. Thus, the information in the requested file may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the Arlington Police Department, which is the agency that investigated the allegation.<sup>1</sup> Since you have not informed this office that the Arlington Police Department has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.<sup>2</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 have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 109191

Enclosures: Submitted documents

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<sup>1</sup>We note that the file at issue also contains records of the Department of Protective and Regulatory Services (the “department”). Section 261.201(f) provides that the department, upon request and subject to its own rules:

shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect information concerning the reported abuse or neglect that would otherwise be confidential under this section if the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.

<sup>2</sup>Since section 261.201(a) makes the information at issue confidential, we need not address your other arguments against disclosure.

cc: Mr. Gregory N. Woods  
Liles & Wood, L.L.P.  
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301 Commerce, Suite 1100  
Fort Worth, Texas 76102-4111

