



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 29, 1998

Mr. Paul F. Wieneskie
Cribbs & McFarland, P.C.
P.O. Box 13060
Arlington, Texas 76094-0060

OR98-1338

Dear Mr. Wieneskie:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115967.

The City of Euless Police Department (the "department") received a request for information regarding two individuals' involvement in the murder of an infant. You contend that the requested information is excepted from disclosure pursuant to sections 552.101 and 552.108 of the Government Code.

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

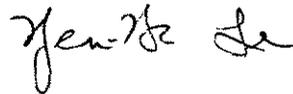
The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

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

The information at issue resulted from an investigation of abuse and murder of a child. We are not aware of any rules promulgated by the department which permit the dissemination of this type of information. Accordingly, the submitted information in its entirety is made confidential by section 261.201 of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code. *See* Open Records Decision No. 440 (1986) (applying former Fam. Code § 34.08).

Because section 261.201 of the Family Code is dispositive, we need not address your other arguments against public disclosure. 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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 115967

Enclosure: Submitted documents

cc: Ms. Terry Cornelius
310 Gilmer, #6
Killeen, Texas 76541
(w/o enclosure)