



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 3, 2009

Mr. C. Patrick Phillips  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, 3<sup>rd</sup> Floor  
Fort Worth, Texas 76102

OR2009-15667

Dear Mr. Phillips:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 360258 (Fort Worth request no. 5215-09).

The City of Fort Worth (the "city") received a request for information pertaining to an accusation involving the requestor and her child. You claim the submitted 9-1-1 call sheet is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted call sheet.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information protected by other statutes, such as section 261.201 of the Family Code, which provides in relevant part:

(a) [T]he following information is confidential, is not subject to public release under [the Act], 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, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). You represent the submitted call sheet was developed in an investigation of alleged child abuse or neglect by the city's Police Department; therefore, this sheet is within the scope of section 261.201 of the Family Code. *See id.* §§ 261.001(1) (defining "abuse" for purposes of Fam. Code ch. 261), .001(4) (defining "neglect" for purposes of Fam. Code ch. 261). None of the exceptions in subsection (k) apply to the submitted call sheet. *Id.* § 261.201(k) (parental exception to section 261.201(a) inapplicable where parent alleged to have committed abuse/neglect at issue). You do not inform us, and we are not aware, that the city's Police Department, which investigated the allegation, has adopted a rule that governs the release of this type of information; therefore we assume no such rule exists. Given that assumption, we conclude the submitted call sheet is confidential pursuant to section 261.201 of the Family Code, and the city must withhold the call sheet in its entirety under section 552.101 of the Government Code. *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute). As our ruling is dispositive, we need not address your remaining argument against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/cc

Ref: ID# 360258

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)