



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

August 28, 2015

Ms. Ashley D. Fourt  
Assistant Criminal District Attorney  
Office of the Criminal District Attorney  
County of Tarrant  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2015-18003

Dear Ms. Fourt:

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# 577387.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for all documents, including a social study, maintained by the Tarrant County Domestic Relations Office's ("DRO") Family Court Services division pertaining to the requestor's case. You state the district attorney's office has provided some of the requested information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, 552.137, 552.142, 552.1425, and 552.147 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

You indicate, and the request for information reflects, the submitted information is maintained solely by the DRO's Family Court Services division. We note the Act only applies to information that is "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business" by a governmental body. Gov't Code § 552.002(a)(1). The Act does not apply to records of the

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<sup>1</sup>Although the district attorney's office does not cite to section 552.130, we understand it to raise this exception based on the substance of its arguments.

judiciary. *See id.* § 552.003(1)(B) (definition of “governmental body” under Act specifically excludes the judiciary). Information that is “collected, assembled, or maintained by or for the judiciary” is not subject to the Act. *Id.* § 552.0035(a); *see also* Tex. Sup. Ct. R. 12. Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). In *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ), the court explained the purpose of the judiciary exception as follows:

The judiciary exception . . . is important to safeguard judicial proceedings and maintain the independence of the judicial branch of government, preserving statutory and case law already governing access to judicial records. But it must not be extended to every governmental entity having any connection with the judiciary.

*Id.* at 152. The court in *Benavides* found the Webb County Juvenile Board not to be a part of the judiciary. In so finding, the court reasoned that an analysis of the judiciary exception should focus on the governmental body itself and the kind of information requested. *See id.* at 151; *see also* Open Records Decision No. 572 (1990). This office has found that to fall under the judiciary exclusion, requested records must contain information that pertains to judicial proceedings and be subject to direct supervision of a court. Open Records Decision No. 671 (2001) (citing Open Records Decision No. 646 at 5 (1996)).

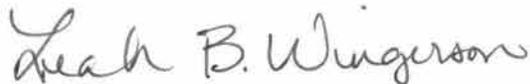
The DRO was established pursuant to section 203.002 of the Family Code to administer family court services. *See* Fam. Code §§ 203.002 (commissioner’s court may establish domestic relations office), .003 (domestic relations office shall be administered as provided by commissioner’s court or juvenile board). You state “the request seeks information collected or assembled in connection with the [r]equestor’s divorce/child custody case,” and “[u]pon order of the court, [the DRO’s] Family Court Services conducted social studies and collected information on various individuals, including the [r]equestor.” Therefore, we understand the DRO is acting “as an arm of the court.” *See Delcourt v. Silverman*, 919 S.W.2d 777 (Tex. App.—Houston [14th Dist] 1996, writ denied) (finding that guardian ad litem in child custody case was entitled to judicial immunity because ad litem was functionary or arm of court when engaged in investigating facts and reporting to court); *see also* Open Records Decision No. 646 at 4 (finding that function that governmental entity performs determines whether entity falls within judiciary exception to the Act). Accordingly, we conclude the submitted information maintained by the DRO on behalf of the judiciary is

not subject to the Act and need not be released in response to this request for information.<sup>2</sup> As our ruling is dispositive, we need not address your arguments 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/bhf

Ref: ID# 577387

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>We note records of the judiciary also may be public under other sources of law. See Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order); see also *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released); Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974).