



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

March 19, 1974

The Honorable George E. McCrea
County Attorney
Tom Green County
San Angelo, Texas

Opinion No. H- 264

Re: Whether Department
of Defense security
investigative service
is entitled to review
Juvenile Court records
under Article 51.14(a)(4)
of the Family Code

Dear Mr. McCrea:

You have requested this office's opinion on the following problem:

"In regards to the new Family Code, Title 3, Article 51.14(a)(4), Files and Records, . . . would the Defense Investigative Service, which conducts background investigations for the Department of Defense security clearance, be an agency having a legitimate interest? This agency's investigations are in the interest of national security."

Article 51.14(a) of the Family Code concerns all files and records of a juvenile court and provides as follows:

"(a) All files and records of a juvenile court, a clerk of court, or a prosecuting attorney relating to a child who is a party to a proceeding under this title are open to inspection only by:

". . . .

"(4) with leave of juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court." (emphasis added)

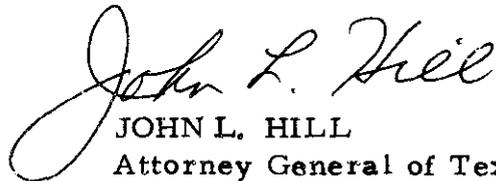
We have found no cases construing the specific language "person, agency, or institution having a legitimate interest in the proceeding," but it is obviously very broad and depending on the facts, could reasonably include the Defense Investigative Service, which as you point out, is an "agency" and does have an interest in national security.

We believe that the juvenile court would have authority to allow the Defense Investigative Service access to its files and records if it were satisfied by facts shown that the agency had "a legitimate interest in the proceedings or in the work of the court." Such a determination rests with the sound discretion of the juvenile court.

SUMMARY

If satisfied by facts shown that a federal agency has a legitimate interest in the proceedings or in the work of the Court, the Juvenile Court, in the exercise of sound discretion, would have authority under Article 51.14(a)(4) of the Family Code to allow the agency access to its files and records.

Yours very truly,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee