

Juvenile Law Case Summaries

By
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Parents of a juvenile are not entitled under Public Information Act to disclosure of a law enforcement incident report regarding their own child [OR2001-0804] (01-4-10).

On March 2, 2001, the Attorney General ruled in a Public Information Act opinion that the confidentiality restrictions of juvenile law enforcement records apply even to a request to see a record made by the parents of the juvenile who is named in the record.

¶ 01-4-10. Attorney General Opinion No. OR2001-0804, 2001 WL 996600 (3/2/01) [*Texas Juvenile Law* (5th Edition 2000)].

Mr. Bernardo J. Garcia
Senior Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

Dear Mr. Garcia:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 144763.

The Harris County Constable's Office received a request for information relating to an offense report. You claim that the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses confidentiality provisions such as Family Code section 58.007. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

- (1) if maintained on paper or microfilm, kept separate from adult files and records;
- (2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and
- (3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The submitted documents constitute law enforcement records concerning juvenile delinquent conduct that occurred after September 1, 1997. Furthermore, while the requestors appear to be the parents of the juvenile, none of the exceptions in section 58.007 allow for disclosure of the information to them. See Fam. Code § 58.007(c)-(h). Therefore, the requested information is confidential in its entirety pursuant to section 58.007(c) of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code. Based on this finding, we need not reach the remaining exceptions you assert.

[Balance of letter dealing with disclosure and appeal procedures is omitted.]

Sincerely,

Nathan E. Bowden
Assistant Attorney General
Open Records Division

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