

# Juvenile Law Case Summaries

By  
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***Visitation and other records maintained by the juvenile probation department are not subject to disclosure under the Public Information Act [OR2001-3866] (01-4-16).***

On August 31, 2001, the Attorney General ruled in a Public Information Act opinion that juvenile probation department records concerning visitation with a named juvenile who was in detention are not public records under the Act.

¶ 01-4-16. Attorney General Opinion No. OR2001-3866, 2001 WL 1010598 (8/31/01) [*Texas Juvenile Law* (5th Edition 2000)].

Ms. Ann-Marie P. Sheely  
Assistant County Attorney  
County of Travis  
P.O. Box 1748  
Austin, Texas 78767

Dear Ms. Sheely:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 151318.

The Travis County Juvenile Probation Department (the "department") received a request for detention visitation information pertaining to a named juvenile on a certain date, and for notes and documentation made by the juvenile's probation officer or any other member of the department staff from June 18 through June 22, 2001. You have submitted representative samples of information that is responsive to the requests. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 58.007 of the Family Code, regarding juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997, provides in relevant part as follows:

(b) Except as provided by Article 15.27, Code of Criminal Procedure, the records and files of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title are open to inspection only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency as that term is defined by Section 58.101;
- (3) an attorney for a party to the proceeding;
- (4) a public or private agency or institution providing supervision of the child by arrangement

of the juvenile court, or having custody of the child under juvenile court order; or

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

Fam. Code § 58.007(b)(1)-(5). Although the records do not reflect, nor do you represent, that the subject juvenile was on probation at the time specified in the information request, you represent that the records at issue are maintained by the department. It does not appear that any of the exceptions in section 58.007(b) apply; therefore, we find that the requested information is confidential pursuant to section 58.007(b) of the Family Code. Accordingly, the department must withhold from public disclosure the information at issue under section 552.101.

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

Sincerely,

J. Steven Bohl  
Assistant Attorney General  
Open Records Division

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