

Juvenile Law Case Summaries

By
Robert O. Dawson
Bryant Smith Chair in Law
University of Texas School of Law

[2001 Case Summaries](#) [2000 Case Summaries](#) [1999 Case Summaries](#)

Parents are not entitled under the Public Information Act to see a police incident report about their son [OR2001-4279] (01-4-24).

On September 24, 2001, the Attorney General ruled in a Public Information Act letter that a parent is not entitled to see a police incident report concerning his or her child. Parents have no special right to such information under the Act.

01-4-24. Attorney General Opinion No. OR2001-4279, 2001 WL 1126434 (9/24/01) [Texas Juvenile Law (5th Edition 2000)].

Mr. Paul F. Wieneskie Cribbs & McFarland, P.C.
P.O. Box 13060
Arlington, Texas 76094-0060

Dear Mr. Wieneskie:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 154443.

The Euless Police Department (the "department"), which you represent, received a request for all offense, incident, and juvenile arrest reports involving the requestor's son. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. We have considered the exception 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." Section 552.101 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 information at issue involves juvenile conduct that occurred after September 1, 1997. It does not appear that any of the exceptions in section 58.007 apply; therefore, the requested information is confidential pursuant to section 58.007(c) of the Family Code.

You ask whether the requestor has a special right of access to the requested information under section 552.023 of the Government Code. Section 552.023 states that a person or a person's authorized representative has a special

right of access to information that relates to the person and that is protected from disclosure by laws intended to protect the person's privacy interest. Juvenile law enforcement records are governed by section 58.007 and its release provisions, not section 552.023. Thus, the requestor does not have a special right of access to the requested information under section 552.023. The department must therefore withhold the requested information from disclosure under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

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

Sincerely,
Karen A. Eckerle Assistant Attorney General

[2001 Case Summaries](#)

[2000 Case Summaries](#)

[1999 Case Summaries](#)