

Juvenile Law Case Summaries

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Attorney General of Texas that juvenile confidentiality rule does not apply to children younger than 10 (2008) 402 (P) 4-48.

On October 23, 2013, the Attorney General issued an opinion regarding the juvenile confidentiality provisions that apply to a law enforcement incident report about conduct by an individual who is younger than ten years of age because such persons are not child as defined by Section 61.02 of the Family Code.

ATTORNEY GENERAL OPINION NO. 050001-402 (10/23/13) (Texas Juvenile Law) (2013-14)

Ms. Mia Sutton-Vinson
Squire Patton Boggs
P.O. Box 3662
Houston, Texas 77247

Dear Ms. Sutton-Vinson:
This opinion responds to your request for information regarding the juvenile confidentiality provisions that apply to a law enforcement incident report about conduct by an individual who is younger than ten years of age because such persons are not child as defined by Section 61.02 of the Family Code.

The City of Houston ("City") requested requests for Attorney General Opinion Nos. 0882308888 ("Opinion 0882308888"), 0882308889 ("Opinion 0882308889"), 0882308890 ("Opinion 0882308890"), 0882308891 ("Opinion 0882308891"), 0882308892 ("Opinion 0882308892"), 0882308893 ("Opinion 0882308893"), 0882308894 ("Opinion 0882308894"), 0882308895 ("Opinion 0882308895"), 0882308896 ("Opinion 0882308896"), 0882308897 ("Opinion 0882308897"), 0882308898 ("Opinion 0882308898"), 0882308899 ("Opinion 0882308899"), 0882308900 ("Opinion 0882308900"), 0882308901 ("Opinion 0882308901"), 0882308902 ("Opinion 0882308902"), 0882308903 ("Opinion 0882308903"), 0882308904 ("Opinion 0882308904"), 0882308905 ("Opinion 0882308905"), 0882308906 ("Opinion 0882308906"), 0882308907 ("Opinion 0882308907"), 0882308908 ("Opinion 0882308908"), 0882308909 ("Opinion 0882308909"), 0882308910 ("Opinion 0882308910"), 0882308911 ("Opinion 0882308911"), 0882308912 ("Opinion 0882308912"), 0882308913 ("Opinion 0882308913"), 0882308914 ("Opinion 0882308914"), 0882308915 ("Opinion 0882308915"), 0882308916 ("Opinion 0882308916"), 0882308917 ("Opinion 0882308917"), 0882308918 ("Opinion 0882308918"), 0882308919 ("Opinion 0882308919"), 0882308920 ("Opinion 0882308920"), 0882308921 ("Opinion 0882308921"), 0882308922 ("Opinion 0882308922"), 0882308923 ("Opinion 0882308923"), 0882308924 ("Opinion 0882308924"), 0882308925 ("Opinion 0882308925"), 0882308926 ("Opinion 0882308926"), 0882308927 ("Opinion 0882308927"), 0882308928 ("Opinion 0882308928"), 0882308929 ("Opinion 0882308929"), 0882308930 ("Opinion 0882308930"), 0882308931 ("Opinion 0882308931"), 0882308932 ("Opinion 0882308932"), 0882308933 ("Opinion 0882308933"), 0882308934 ("Opinion 0882308934"), 0882308935 ("Opinion 0882308935"), 0882308936 ("Opinion 0882308936"), 0882308937 ("Opinion 0882308937"), 0882308938 ("Opinion 0882308938"), 0882308939 ("Opinion 0882308939"), 0882308940 ("Opinion 0882308940"), 0882308941 ("Opinion 0882308941"), 0882308942 ("Opinion 0882308942"), 0882308943 ("Opinion 0882308943"), 0882308944 ("Opinion 0882308944"), 0882308945 ("Opinion 0882308945"), 0882308946 ("Opinion 0882308946"), 0882308947 ("Opinion 0882308947"), 0882308948 ("Opinion 0882308948"), 0882308949 ("Opinion 0882308949"), 0882308950 ("Opinion 0882308950"), 0882308951 ("Opinion 0882308951"), 0882308952 ("Opinion 0882308952"), 0882308953 ("Opinion 0882308953"), 0882308954 ("Opinion 0882308954"), 0882308955 ("Opinion 0882308955"), 0882308956 ("Opinion 0882308956"), 0882308957 ("Opinion 0882308957"), 0882308958 ("Opinion 0882308958"), 0882308959 ("Opinion 0882308959"), 0882308960 ("Opinion 0882308960"), 0882308961 ("Opinion 0882308961"), 0882308962 ("Opinion 0882308962"), 0882308963 ("Opinion 0882308963"), 0882308964 ("Opinion 0882308964"), 0882308965 ("Opinion 0882308965"), 0882308966 ("Opinion 0882308966"), 0882308967 ("Opinion 0882308967"), 0882308968 ("Opinion 0882308968"), 0882308969 ("Opinion 0882308969"), 0882308970 ("Opinion 0882308970"), 0882308971 ("Opinion 0882308971"), 0882308972 ("Opinion 0882308972"), 0882308973 ("Opinion 0882308973"), 0882308974 ("Opinion 0882308974"), 0882308975 ("Opinion 0882308975"), 0882308976 ("Opinion 0882308976"), 0882308977 ("Opinion 0882308977"), 0882308978 ("Opinion 0882308978"), 0882308979 ("Opinion 0882308979"), 0882308980 ("Opinion 0882308980"), 0882308981 ("Opinion 0882308981"), 0882308982 ("Opinion 0882308982"), 0882308983 ("Opinion 0882308983"), 0882308984 ("Opinion 0882308984"), 0882308985 ("Opinion 0882308985"), 0882308986 ("Opinion 0882308986"), 0882308987 ("Opinion 0882308987"), 0882308988 ("Opinion 0882308988"), 0882308989 ("Opinion 0882308989"), 0882308990 ("Opinion 0882308990"), 0882308991 ("Opinion 0882308991"), 0882308992 ("Opinion 0882308992"), 0882308993 ("Opinion 0882308993"), 0882308994 ("Opinion 0882308994"), 0882308995 ("Opinion 0882308995"), 0882308996 ("Opinion 0882308996"), 0882308997 ("Opinion 0882308997"), 0882308998 ("Opinion 0882308998"), 0882308999 ("Opinion 0882308999").

First, you claim that Sections 61 and 62 are exempt from disclosure under section 62.101 in conjunction with 61.02 of the Family Code. Section 62.101 provides that disclosure "information contained to be confidential by law, either constitutionally, statutorily, or by judicial decision." This section encompasses information protected by Article IV, Section 1, 1997 of the Texas Constitution. However, section 62.101(a) is inapplicable to these two sections because the incidents at issue do not involve a "child" as defined by section 61.002 of the Family Code. A "child" is a person who is under 18 years of age or older and under 19 years of age.

Second, you claim that Sections 61 and 62 are exempt from disclosure under section 62.101 in conjunction with 61.02 of the Family Code. Section 62.101 provides that disclosure "information contained to be confidential by law, either constitutionally, statutorily, or by judicial decision." This section encompasses information protected by Article IV, Section 1, 1997 of the Texas Constitution. However, section 62.101(a) is inapplicable to these two sections because the incidents at issue do not involve a "child" as defined by section 61.002 of the Family Code. A "child" is a person who is under 18 years of age or older and under 19 years of age.

Third, you claim that Sections 61 and 62 are exempt from disclosure under section 62.101 in conjunction with 61.02 of the Family Code. Section 62.101 provides that disclosure "information contained to be confidential by law, either constitutionally, statutorily, or by judicial decision." This section encompasses information protected by Article IV, Section 1, 1997 of the Texas Constitution. However, section 62.101(a) is inapplicable to these two sections because the incidents at issue do not involve a "child" as defined by section 61.002 of the Family Code. A "child" is a person who is under 18 years of age or older and under 19 years of age.

Finally, you claim that Sections 61 and 62 are exempt from disclosure under section 62.101 in conjunction with 61.02 of the Family Code. Section 62.101 provides that disclosure "information contained to be confidential by law, either constitutionally, statutorily, or by judicial decision." This section encompasses information protected by Article IV, Section 1, 1997 of the Texas Constitution. However, section 62.101(a) is inapplicable to these two sections because the incidents at issue do not involve a "child" as defined by section 61.002 of the Family Code. A "child" is a person who is under 18 years of age or older and under 19 years of age.

Sincerely,
Robert A. Dawson
Attorney General

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