

# 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](#)

---

***Incident report identifying child crime victim is not confidential under juvenile confidentiality provision [OR2001-4867] (01-4-45).***

On October 25, 2001, the Attorney General ruled in a Public Information Act opinion that a law enforcement incident report identifying a child crime victim is not confidential under the juvenile confidentiality provision.

01-4-45. Attorney General Opinion No. OR2001-4867 (10/25/01) [Texas Juvenile Law (5th Ed. 2000)].

Ms. Melissa L. Barloco Assistant County Attorney Harris County 1019 Congress, 15th Floor Houston, Texas 77002-1700

Dear Ms. Barloco:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 153898.

The Harris County Constable of Precinct Four (the "constable") received a written request for a particular offense report involving the death of a child. You state that the "front page" information and the "call slip" were provided to the requestor. You contend, however, that the remaining requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.

You contend that the information at issue is made confidential under section 58.007(c) of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code. This office has previously addressed the issue raised by your request. In Open Records Decision No. 628 (1994), this office discussed the applicability of the statutory predecessor to section 58.007(c) of the Family Code to records involving child crime victims:

This section applies only to juvenile offenders and not to juvenile crime victims. Section 51.14 [of the Family Code] provides, inter alia, that where a particular matter is within the jurisdiction of a juvenile court, the juvenile offender's records shall be confidential. [Citation omitted.] These provisions have no bearing on records relating to juvenile crime victims; they clearly apply only to records concerning juvenile offenders. Although the provisions express concern for the privacy of juvenile offenders, juvenile crime victims have thus far received no similar explicit statutory protection.

Open Records Decision No. 628 at 6 (1994). Because the records at issue here pertain to a juvenile crime victim, and not to a juvenile offender, section 58.007 of the Family Code does not apply to these records.

We conclude, however, that these records are made confidential under section 261.201 of the Family Code. Section 261.201(a) of the Family Code provides as follows:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency: (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and (2) except as otherwise provided in this section, the files,

reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

After reviewing the information at issue, we conclude that the requested offense report comes within the scope of section 261.201 of the Family Code. You have not indicated that the constable has adopted a rule that governs the release of this type of information. Therefore, we assume that no such regulation exists. Given that assumption, the requested information must be withheld in its entirety pursuant to section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. See Open Records Decision No. 440 at 2 (1986) (predecessor statute). But see Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services).

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

Sincerely,

James W. Morris, III  
Assistant Attorney General  
Open Records Division

---

[2001 Case Summaries](#)

[2000 Case Summaries](#)

[1999 Case Summaries](#)