

## 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](#)

---

***Records of certifications in the possession of TJPC are confidential under the Public Information Act [OR2001-4990] (01-4-48).***

On October 31, 2001, the Attorney General ruled in a Public Information Act opinion that records of certifications to criminal court in the possession of the Texas Juvenile Probation Commission are confidential under the Public Information Act.

01-4-48. Attorney General Opinion No. OR2001-4990, 2001 WL 1348603 (10/31/01) [Texas Juvenile Law (5th Edition 2000)].

Ms. Nydia D. Thomas Public Information Officer Texas Juvenile Probation Commission P.O. Box 13547 Austin, Texas 78711

Dear Ms. Thomas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 153487.

The Texas Juvenile Probation Commission (the "commission") received a request for a list of personal identification numbers, dates of birth, and counties of prosecution for all juveniles certified to stand trial as adults since January 1, 1996. You claim that the requested information is excepted from disclosure under section 552.101 of the Government 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." You contend that the requested information is confidential under sections 58.005 and 58.007 of the Family Code. Section 58.005 provides:

(a) Information obtained for the purpose of diagnosis, examination, evaluation, or treatment or for making a referral for treatment of a child by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court may be disclosed only to: (1) the professional staff or consultants of the agency or institution; (2) the judge, probation officers, and professional staff or consultants of the juvenile court; (3) an attorney for the child; (4) a governmental agency if the disclosure is required or authorized by law; (5) a person or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information; (6) the Texas Department of Criminal Justice and the Texas Juvenile Probation Commission for the purpose of maintaining statistical records of recidivism and for diagnosis and classification; or (7) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

Thus, information described in section 58.005(a) may be released only to one of the seven enumerated categories of individuals. You indicate that the requested information is part of the statistical data on juvenile offenders the commission has collected from juvenile probation departments across the state on a monthly basis. You further indicate that the commission was allowed to access the submitted information "only as a result of legislative dispensation under Family Code Section 58.005(a)(6)." You also state that the requestor is not included amongst the

individuals entitled to this information under section 58.005. Based on your assertions, we find that the submitted information is subject to section 58.005 of the Family Code and must be withheld from the requestor under section 552.101 of the Government Code.

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

Sincerely,

Nathan E. Bowden  
Assistant Attorney General Open Records Division

---

[2001 Case Summaries](#)

[2000 Case Summaries](#)

[1999 Case Summaries](#)