

# Juvenile Law Case Summaries

By  
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***Juvenile has no right under the Public Information Act to see a law enforcement incident report that deals with him [OR2001-5316] (01-4-54).***

On November 16, 2001, the Attorney General ruled in a Public Information Act opinion that a juvenile has no right to see a law enforcement incident report that names him as a suspect.

01-4-54. Attorney General Opinion No. OR2001-5316, 2001 WL 1470050 (11/16/01) [Texas Juvenile Law (5th Edition 2000)].

Mr. Paul F. Wieneskie Cribbs & McFarland  
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 # 154974.

The City of Euless Police Department (the "department"), which you represent, received a request for any information containing any violations of law pertaining to a specified person. You claim that the requested information is excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered the exception you claim and have 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 information protected by other statutes. Section 58.007 of the Family Code provides that juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. Section 58.007 states in pertinent part:

(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.

Fam. Code § 58.007(c). The submitted information concerns juvenile conduct that occurred after September 1, 1997. Thus, the information is governed by section 58.007 of the Family Code.

However, you inquire whether the requestor has a special right of access under section 552.023 of the Government Code to information made confidential under the Family Code. The relevant language of section 552.023 states:

(a) A person or person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and is protected from public disclosure

by laws intended to protect that person's privacy interests.

Gov't Code § 552.023. We do not believe that section 58.007 of the Family Code is intended solely to protect the privacy interests of the subject juvenile. Cf. Open Records Decision No. 587 (1991) (finding that predecessor to Fam. Code § 261.201 pertaining to child abuse investigations protects law enforcement, as well as privacy interests). Therefore, the requestor does not have a special right of access to the submitted information under section 552.023 of the Government Code. Since the information at issue is governed by section 58.007 and none of the access provisions in this statute provides for release of the information in this instance, the department must withhold the submitted information from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code.

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

Sincerely,

Ronald J. Bounds  
Assistant Attorney General  
Open Records Division

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