



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 20, 2017

Ms. Gina Licata Adams  
General Counsel  
Bexar County Juvenile Probation Department  
301 East Mitchell Street  
San Antonio, Texas 78210-3845

OR2017-01385

Dear Ms. Adams:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 642293.

The Bexar County Domestic Relations Office (the "domestic relations office") received a request for a report that a named individual gave to a specified judge and all documents pertaining to a named individual during a certain time period.<sup>1</sup> You claim the submitted information is not subject to the Act. We have considered the submitted argument and reviewed the submitted representative sample of information.<sup>2</sup> We have also received comments from the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

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<sup>1</sup>You state, and provide documentation showing, the domestic relations office sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating governmental body may communicate with requestor for purpose of clarifying or narrowing request for information); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

<sup>2</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You indicate, and the request for information reflects, the submitted information is maintained solely by the domestic relations office. We note the Act only applies to information that is “written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business” by a governmental body. Gov’t Code § 552.002(a)(1). The Act does not apply to records of the judiciary. *See id.* § 552.003(1)(B) (definition of “governmental body” under Act specifically excludes the judiciary). Information that is “collected, assembled, or maintained by or for the judiciary” is not subject to the Act. *Id.* § 552.0035(a); *see also* Tex. Sup. Ct. R. 12. Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). In *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ), the court explained the purpose of the judiciary exception as follows:

The judiciary exception . . . is important to safeguard judicial proceedings and maintain the independence of the judicial branch of government, preserving statutory and case law already governing access to judicial records. But it must not be extended to every governmental entity having any connection with the judiciary.

*Id.* at 152. The court in *Benavides* found the Webb County Juvenile Board not to be a part of the judiciary. In so finding, the court reasoned that an analysis of the judiciary exception should focus on the governmental body itself and the kind of information requested. *See id.* at 151; *see also* Open Records Decision No. 572 (1990). This office has found that to fall under the judiciary exclusion, requested records must contain information that pertains to judicial proceedings and be subject to direct supervision of a court. Open Records Decision No. 671 (2001) (citing Open Records Decision No. 646 at 5 (1996)).

The domestic relations office was established pursuant to section 203.002 of the Family Code to administer family court services. *See* Fam. Code §§ 203.002 (commissioner’s court may establish domestic relations office), .003 (domestic relations office shall be administered as provided by commissioner’s court or juvenile board). You inform us the request seeks information which pertains to a suit affecting the parent-child relationship. You also inform us the court in this case ordered the director of the domestic relations office to gather relevant case information and report its findings and recommendations to the court on behalf of the child. Therefore, we understand the domestic relations office is acting “as an arm of the court.” *See Delcourt v. Silverman*, 919 S.W.2d 777 (Tex. App.—Houston [14th Dist] 1996, writ denied) (finding that guardian ad litem in child custody case was entitled to judicial immunity because ad litem was functionary or arm of court when engaged in investigating facts and reporting to court); *see also* ORD 646 at 4 (finding that function that governmental entity performs determines whether entity falls within judiciary exception to the Act). Accordingly, we conclude the submitted information maintained by the domestic relations office on behalf of the judiciary is not subject to the Act and need not be released in response to this request for information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cole Hutchison  
Assistant Attorney General  
Open Records Division

CH/eb

Ref: ID# 642293

Enc. Submitted documents

c: Requestor  
(w/o enclosures)