

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 25-018

RESPONDENT: Tarrant County Family Court Services

DATE: November 17, 2025

SPECIAL COMMITTEE: Judge Missy Medary, Chairman; Judge Robert Trapp; Judge Sid Harle; Judge Ben Woodward; Judge Ana Estevez

Petitioner sent a request via email to an employee of Respondent seeking: 1) electronic communications between a list of individuals in their capacity as Tarrant County Family Court Services staff, contractors, or employees, and any parties, counsel, or school officials concerning Petitioner's children and between any other individual employed by, contracting with, or assigned by Respondent regarding Petitioner's family law case; 2) records reflecting employment/contractor status of two community supervisors assigned to Petitioner's case; and 3) records or policies regarding supervised visitation and recommendations to the court in Petitioner's family law case.

Pursuant to Respondent's policy for responding to records subject to the Public Information Act, an employee of Respondent informed Petitioner that his request for records should be submitted to the Tarrant County District Attorney's Office and did not address the substance of Petitioner's request. Petitioner then sent a follow-up email to Respondent's employee asserting that his response was non-responsive and insisting that the records at issue were judicial records that were independent of the criminal records process and the Public Information Act. Respondent again instructed Petitioner to submit his request to the Tarrant County District Attorney's Office without addressing the request. Petitioner then filed this appeal.

We have previously concluded that a policy providing the manner and where records requests should be sent does not violate Rule 12. *See* Rule 12 Decision No. 17-027. Whether an agency chooses to use the resources of a county's District Attorney's Office is within its discretion and does not violate Rule 12. Additionally, even if we were to conclude that Petitioner should not be required to submit his request to the District Attorney's Office as instructed by Respondent's employee, Petitioner sent his request to a visitation services coordinator employed by Respondent, not to Respondent's presiding officer. For purposes of Rule 12, the records of a judicial agency are in the custody of its presiding officer and requests must be directed to the presiding officer of the agency. Rule 12.6(a).

We do not believe that a policy requiring that requests for information be handled by a governmental entity that represents Respondent is unreasonable. Additionally, Petitioner failed to submit his request to Respondent's Rule 12 custodian of records, and thus Respondent was not required to respond. Accordingly, the appeal is denied.

Though Respondents were not required to respond to Petitioner's requests, they included a response in their reply to this appeal and submitted responsive documents for our *in camera*

review. Rather than require Petitioner to resubmit his request to the proper custodian or the Tarrant County District Attorney's Office and then file another appeal, in the interest of justice we have reviewed Petitioner's request and the response and documents submitted by Respondent.

We first address whether the records described in category 1 (electronic communications) and 3 (certain records and policies regarding procedures) above are subject to Rule 12. A record is subject to Rule 12 if it is one that is "made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case" (emphasis added). Rule 12.2(d).

On its face, Petitioner's request for electronic communications between certain individuals appears to be for communications specifically related to his family law case. Petitioner also clarified in his follow-up request that he was seeking "communications and administrative records created, received, or maintained in connection with [Respondent's] functions ordered by the court." Thus, it appears the records Petitioner seeks in category 1 and 3 above are specifically related to a case that has been before a court and therefore they are not judicial records subject to Rule 12.

We next address the request for certain records and policies regarding Respondent's procedures. We have issued several decisions concluding that records related to a court's internal operating procedures or administration of cases pertain to a court's adjudicative function. *See* Rule 12 Decision Nos. 09-006, 17-018, 19-006, 19-026, 22-013. We also have concluded that case supervision policies and procedures of a probation department pertain to a court's adjudicative function because they detail the supervision and oversight of persons who have been before the court in connection with a case. *See* Rule 12 Decision No. 25-004. The records at issue here describe policies and procedures regarding visitation in family law cases referred to Respondent by a court; thus, they are not "judicial records" as defined by Rule 12.

Lastly, we address the records described in category number 2: records reflecting employment/contractor status of two community supervisors assigned to Petitioner's case. Respondent notes that these records are personnel records maintained by Tarrant County Human Resources. If maintained by Respondent, these records would also be subject to Rule 12 and should be disclosed unless they are exempt, in whole or in part, from disclosure under Rule 12.5. However, because the appeal is dismissed, the Respondent is not required to take any action until Petitioner complies with Respondent's procedure for submission of requests for records by the public.