

THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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Opinions

Opinion No. KP-0073

Mr. David Reilly

Executive Director

Texas Juvenile Justice Department

Post Office Box 12757

Austin, Texas 78711

Re: Applicability of expunction orders under article 45.0541 of the Code of Criminal Procedure to records in the possession of a juvenile probation department as a result of a referral for delinquent conduct as defined by subsection 51.03(a)(2) of the Family Code (RQ-057-KP)

S U M M A R Y

An expunction order issued to a juvenile probation department under article 45.0541 of the Code of Criminal Procedure would likely apply to documents in the department's possession as a result of a referral to the juvenile court for delinquent conduct as defined by subsection 51.03(a)(2) of the Family Code. A juvenile probation department must determine in the first instance how to comply with a court's expunction order according to its terms and consistent with article 45.0541.

Opinion No. KP-0074

The Honorable Micheal E. Jimerson

Rusk County & District Attorney

115 North Main, Suite 302

Henderson, Texas 75652

Re: Whether section 202.052 of the Estates Code requires citation by publication in all actions to determine heirship (RQ-0058-KP)

S U M M A R Y

A court would likely conclude that section 202.052 of the Estates Code requires citation by publication in all heirship proceedings to determine whether a decedent has any unknown heirs.

Opinion No. KP-0075

The Honorable Jim Keffer

Chair, Committee on Natural Resources

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768

Re: Whether a county that has accepted a public dedication of a right-of-way is obligated to maintain the sidewalks in that right-of-way (RQ-0061-KP)

S U M M A R Y

A county road may include the sidewalks in the right-of-way. Whether a county has accepted a public dedication of a right-of-way such that the sidewalks are within the county's maintenance obligations is a question beyond the purview of an attorney general opinion.

To the extent any of the actions in Transportation Code section 251.051 may be applicable to Dallas Drive, Williamson County may utilize them upon compliance with the requirements of the statute.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

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