
Series: Operating Procedures COA: RPM 8, CR 2
CFOP: NA

Procedure Name: Response to Subpoenas for Children and Families Records
Procedure Number: OP-1106
Revision #/Date: NA
Effective Date: 5/25/10

Applicable to: All BFP Staff and Contract Providers

PURPOSE: To establish the protocol when receiving and responding to subpoenas and response for Children and Families Records.

PROCEDURE:

References

BFP Policies/Procedures: OP1026 – Confidentiality of Case Records

Definitions

A 'subpoena' that requests a presence in court and/or documents is a command by the issuing authority that directs the Department or it's designee to appear in court and/or produce those documents.

Procedure for BFP Staff and Contract Providers for Dependency Subpoenas

1. Upon receipt of a dependency subpoena, the staff member will immediately notify their supervisor by telephone, in person or through email contact.
2. The subpoena to appear, or for deposition or for records (subpoena duces tecum) must be transmitted electronically to the Brevard Family Partnership Chief Compliance & Utilization Officer and the local Child Legal Services office.
3. The staff member will not release any information pertaining to the case or case record without explicit instruction from the Brevard Family Partnership Chief Compliance & Utilization Officer through collaboration with the supervisor and Child Legal Services.
4. The staff member and supervisor will make diligent efforts to meet with the Child Legal Services assigned attorney for preparation steps (review case file, questions, and proper testifying etiquette, etc.) prior to any appearance per the dependency subpoena (deposition and/or court appearance).
5. If the staff member has not been able to meet with the Child Legal Services assigned attorney, the supervisor will ensure that the staff member is prepared for any appearance and has been instructed on the preparation steps.
6. Unless specified by Child Legal Services, the staff member will not produce the case record at any appearance per the subpoena. Instead, the staff member will review the case record and take notes in order to recall specific dates, services, etc.



Unless otherwise notified, the staff member receiving the subpoena is required to appear; unless excused from this subpoena by the attorney who issued the subpoena or the Court. Once the staff member subpoena is called to the stand to testify, in the presence of the Judge and court reporter, that staff member must put the confidentiality objection on the record:

"Pursuant to the confidentiality provisions of Florida Statutes 39.202 and 39.203, I am unable to answer any questions regarding a possibly dependency matter, without further order of this Court."

If the Court so orders, the staff member may then answer any questions, except for the identity of the reporter, which may never be revealed.

BY DIRECTION OF THE CHIEF EXECUTIVE
OFFICER:

A handwritten signature in black ink, appearing to read "Patricia Nellius-Guthrie".

DR. PATRICIA NELLIUS-GUTHRIE
Chief Executive Officer
Brevard Family Partnership

APPROVAL DATE: 8/3/10