

DOCKET NO. : **SUPERIOR COURT**
PLAINTIFF : **JUDICIAL DISTRICT**
VS. : **AT**
DEFENDANT :

**EX PARTE MOTION FOR ORDER TO SUBPOENA AND SURRENDER
TREATMENT RECORDS**

The Attorney for the Minor Child in the above-captioned matter hereby moves this Court to issue an order that authorizes the AMC to subpoena specific confidential records, hereinafter listed in the Court's order, and that directs the individuals, programs and treatment facilities of FACILITY/PROVIDER to surrender the requested records to the Court. Said order shall only permit submission of the records to the Court under seal until further order of the Court. Disclosure of said records to parties appearing in this matter shall be addressed at a subsequent hearing on the corresponding motion to allow disclosure of the confidential records pursuant to Conn. Gen. Stat. § 52-146c and a qualified protective order under the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. Law 104-191 (HIPAA), 45 C.F.R. §§ 164.512 (e)(1)(iv) and 164.512 (e)(1)(v).

The AMC therefore requests that the Court sign this order on an *ex parte* basis and return it to the AMC at its earliest convenience in order to subpoena the treatment records as soon as possible to make them available for the hearing scheduled on **DATE at AM**. The subpoenaed

ORAL ARGUMENT REQUESTED
TESTIMONY NOT REQUIRED

records must reach the court by **DATE at AM** and must be surrendered to the Court. The records will be held by the Court until such time as the Court determines the outcome of the AMC's Motion to Disclose Treatment Records, to Obtain a Qualified Protective Order and to Permit Subsequent Testimony.

**ATTORNEY FOR THE MINOR CHILD
FOR THE MINOR CHILDREN**

BY: _____
COUNSEL

SAMPLE

DOCKET NO. : **SUPERIOR COURT**
PLAINTIFF : **JUDICIAL DISTRICT**
VS. : **AT**
DEFENDANT :

**ORDER AUTHORIZING SUBPOENA AND
SURRENDER OF TREATMENT RECORDS**

The foregoing Motion, having been presented to this Court, it is hereby ORDERED:

GRANTED / DENIED

that subpoenas may be issued to the individuals, programs, and treatment facilities of FACILITY, to produce and surrender the identified records, as listed below, of that individual, program, or treatment facility to the *Superior Court of* , to be brought to court *under seal* by **DATE at AM**, for a hearing to be held on **DATE at AM**, at which time the parties and individuals, programs, and treatment facilities subject to subpoena will have an opportunity to be heard on the corresponding Motion to Disclose Treatment Records, to Obtain a Qualified Protective Order, and to Permit Subsequent Testimony, filed with this court on DATE. The subpoenaed records delivered to the Court pursuant to this order will be held by the Court until such time as the Court enters its ruling on the AMC's Motion to Disclose Treatment Records, to Obtain a Qualified Protective Order, and to Permit Subsequent Testimony.*

FACILITY/PROVIDER shall surrender, pursuant to subpoena, all treatment records, concerning the **Defendant** (D.O.B.), including the following identified records:

1. RECORDS
2. Treatment Records
3. Medication Records
4. Evaluation and Assessment History
5. Treatment Notes

BY THE COURT

JUDGE/CLERK

Date

* **NOTICE to individuals, programs, and treatment facilities:** A qualified protective order has been requested from the court on the date indicated above, through the AMC's Motion to Disclose Confidential Records, to Obtain a Qualified Protective Order, and to Permit Subsequent Testimony, pursuant to the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. Law 104-191 (HIPAA), 45 C.F.R. §§ 164.512 (e)(1)(iv) and 164.512 (e)(1)(v). The requested order prohibits the party seeking protected health information from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which the records are requested; and, requires either the return of the protected health information to the records provider or the destruction of the protected health information at the conclusion of the litigation or the proceeding.

DOCKET NO. : **SUPERIOR COURT**
PLAINTIFF : **JUDICIAL DISTRICT**
VS. : **AT**
DEFENDANT :

NOTICE

Notice is hereby given to: **FACILITY/PROVIDER**, which is an individual or a treatment facility providing service related to the mental health care and treatment of the **Defendant**, (D.O.B.). The undersigned counsel has filed a motion seeking disclosure of such records. A hearing will be held before the *Superior Court of* , on **DATE** at **AM**. The identification of records that you hold and that are subject to this hearing is provided in the corresponding ORDER. During said hearing, or at any subsequent date assigned, the Court may hear evidence and/or argument regarding the statutory and/or regulatory criteria for ordering the disclosure of records sought, in accordance with the corresponding Motion. The disclosure is sought pursuant to Conn. Gen. Stat. § 52-146c (b) and (c). The qualified protective order has been requested from the court pursuant to federal and state law and the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. Law 104-191 (HIPAA), 45 C.F.R. §§ 164.512 (e)(1)(iv) and 164.512 (e)(1)(v). This order prohibits the party seeking protected health information from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which the records are requested and requires

either the return of the protected health information to the records provider or the destruction of the protected health information at the conclusion of the litigation or the proceeding.

**ATTORNEY FOR THE MINOR CHILD
FOR THE MINOR CHILDREN**

BY: _____
COUNSEL

SAMPLE

CERTIFICATION

This is to certify that a copy of the foregoing was sent via facsimile/mail on this th day of 2013 to the following:

Commissioner of the Superior Court

SAMPLE

DOCKET NO. : **SUPERIOR COURT**
PLAINTIFF : **JUDICIAL DISTRICT**
VS. : **AT**
DEFENDANT :

MOTION TO DISCLOSE TREATMENT RECORDS, TO OBTAIN A QUALIFIED PROTECTIVE ORDER, AND TO PERMIT SUBSEQUENT TESTIMONY

Pursuant to Conn. Gen. Stat. § 52-146c, the Health Insurance Portability and Accountability Act of 1996, Pub. Law 104-191 (HIPAA), and 45 C.F.R. §§ 164.512 (e)(1)(iv) and 164.512 (e)(1)(v), the Attorney for the Minor Child in the above-captioned matter, hereby moves for an Order, following a hearing, authorizing the disclosure of the records from and allowing the subsequent testimony of individuals and/or organizations of **FACILITY/PROVIDER** in accordance with the federal and state law cited above. The undersigned further moves, pursuant to the Health Insurance Portability and Accountability Act of 1996, Pub. Law 104-191 (HIPAA), 45 C.F.R. §§ 164.512 (e)(1)(iv) and 164.512 (e)(1)(v), for the granting of the requested qualified protective order.

FACILITY/PROVIDER shall surrender, pursuant to subpoena, all treatment records, concerning **the Defendant** (D.O.B.), including the following identified records:

1. RECORDS

The AMC represents that authority and good cause for the required disclosure exists and seeks a hearing to demonstrate the factual basis for the requested order:

1. The history and pleadings in this case allege and demonstrate that the treatment-related issues are significant to the pending proceedings.
2. At this time, there is no other available or effective way, besides through order of the Court, to obtain such information necessary for the purposes of these proceedings.
3. The information sought is necessary for the Attorney for the Minor Child to obtain the current mental health status of the Defendant in consideration of the current custody action. The information and records are necessary for the AMC to utilize in crafting an appropriate and effective Parenting Plan.
4. The information sought is likewise necessary for the Court in consideration of the current custody action and the best interest of the minor children.
5. The AMC has a substantial interest in the determination and protection of the best interests of the minor children.
6. Without this information, the trial court will be significantly hampered in resolving the case.

7. The public interest, the interest of justice and the need for disclosure of the information, in the context of the current proceedings, outweigh any potential injury to the Defendant and the treatment services.
8. The requested disclosure of information is for the purpose of the present proceedings only and there will be no use or disclosure of protected health information for any purpose other than such.
9. The disclosed protected health information will be returned to the records provider or will be destroyed at the conclusion of these proceedings.

WHEREFORE, the Attorney for the Minor Child respectfully requests that an Order be entered authorizing the disclosure and release of said records and testimony regarding said records, as well as the HIPAA qualified protective order, in accordance with federal and state law.

**ATTORNEY FOR THE MINOR CHILD
FOR THE MINOR CHILDREN**

BY: _____
COUNSEL

DOCKET NO. : **SUPERIOR COURT**
PLAINTIFF : **JUDICIAL DISTRICT**
VS. : **AT**
DEFENDANT :

**ORDER FOR DISCLOSURE OF TREATMENT RECORDS, FOR QUALIFIED
PROTECTIVE ORDER AND FOR SUBSEQUENT TESTIMONY REGARDING SAID
RECORDS**

The foregoing Motion by the AMC, having been presented to and heard by this Court, it is hereby ORDERED:

GRANTED / DENIED

and the following findings are made:

1. The public interest, the interest of justice and the need for disclosure of the information, in the context of the proceedings at hand, outweigh any potential injury to the Defendant and treatment services.
2. There is no way, other than through an Order of this court, available or effective in obtaining such information.
3. The disclosure in all other respects complies with federal and state law as presented in the motion.

Having determined that the portions of the record of the treatment facilities listed in the Motion are essential to fulfill the objective of this Order, it is hereby ORDERED, that:

1. The records sought in the attached Motion shall be disclosed by FACILITY/PROVIDER in connection with this proceeding.
2. Testimony regarding said records is hereby authorized.
3. No further disclosure is permitted except upon further Order of this Court. The parties to this proceeding are prohibited from using or disclosing protected health information for any purpose other than the present proceeding for which the records are requested.
4. The information contained in the records disclosed shall be released for the review of the parties to this proceeding and their respective counsel directly involved with the above-captioned case and is further ordered to be sealed subsequent to the trial and until further Order of this Court.
5. Protected health information records, including any and all copies made during the proceedings, shall, upon completion of the proceedings, be returned to the provider of said records or be destroyed.

BY THE COURT

JUDGE/CLERK

Date

CERTIFICATION

This is to certify that a copy of the foregoing was sent via facsimile/mail on thisth day of 2013 to the following:

Commissioner of the Superior Court

SAMPLE