

PROCEDURE

Series:	Operating Procedures	COA: RPM 8, CR 2 CFOP: 30-2
Procedure Name:	Response to Subpoenas for Children and Families Records	
Procedure Number:	OP-1106	
Reviewed Date:	02/15/2012, 07/25/2014, 3/14/2016, 6/20/19	
Revision #/Date:	N/A	
Effective Date:	5/25/10	
Applicable to:	All Brevard Family Partnership Family of Agencies (BFP FOA) 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 FOA Staff for Subpoenas

1. Upon receipt of any subpoena, the staff member will immediately notify their supervisor and the staff attorney 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 Legal Officer.
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 Legal Officer.
4. The staff member and supervisor will meet with the staff attorney, who will prepare the staff member for any court appearance or deposition, and redact the file, if necessary. If the subpoena is for a dependency action, the staff member, supervisor and staff attorney, as needed, will make diligent efforts to meet with the Children's Legal Services attorney 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 Children's Legal Services attorney, the Chief Legal Officer will ensure that the staff member is prepared for any appearance to the extent possible.
6. Unless directed by the staff attorney, 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 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 39.2021 I am unable to answer any questions regarding a possible 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 blue ink that reads "Philip J. Scarpelli".

PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 2/14/2020