

## **Instructions on Completing Subpoena for Children's Safe Harbor Records**

Children's Safe Harbor has drafted a sample subpoena form that can be used to request records from the agency. Before completing the subpoena we ask that you take a moment for the following considerations:

- Some records in the possession of Children's Safe Harbor are considered privileged under the Illinois Domestic Violence Act and the Violence Against Women Act, therefore are not subject to subpoena.
- Parents have the right to review the content of their individual records at Children's Safe Harbor. If a parent wishes to review their file they should contact the Director.
- If Children's Safe Harbor has had issues in a particular case related to repeated late arrivals, no shows, cancellations or policy violations, a report can be drafted to reflect that. The Director will review the records. If the Director verifies that there have been repeated issues or some type of critical incident at Children's Safe Harbor the Director will submit a report to the court and a copy will be provided to the parents in the case. If a parent or attorney is seeking information related to these matters a subpoena may not be necessary. It is best for parents to contact Children's Safe Harbor directly to discuss what they are seeking prior to issuing a subpoena.
- Children's Safe Harbor's records are not meant to be evaluative; therefore you will not find opinions, speculation, hearsay, recommendations, conclusions or assessments of any kind in the records.
- Before records can be released to a parent or attorney Children's Safe Harbor requires a Release of Information be completed whenever possible.
- In some circumstances it may be legally necessary for a Release of Information to be signed in order for us to comply with the subpoena.
- Please encourage your client to contact us to complete the release form if your intention is to subpoena records. Children's Safe Harbor will not and cannot honor releases signed with other individuals or organizations.

If after reviewing the following considerations you determine a subpoena for records is necessary, instructions on how to complete the form are below:

1. Input on the corresponding lines the names of the plaintiff/petitioner, defendant/respondent, the case number and judge assigned to the case.
2. Please indicate below where and when the records should be produced. Whenever possible allow use 2 weeks' time to fulfill your subpoena request.
3. Check the box that corresponds with the information you are seeking and indicate the time frame you need it for.
  - a. Sign in sheets are the forms parents sign in on for exchanges with their name, date and time they arrived. Staff fills in the time they depart. Anyone who accompanies a parent for an exchange and enters the facility signs in on the Sign in sheet as well.
  - b. Record of client contact is a form that is filled out each time someone from agency has contact with a parent or child. This includes phone calls and in person communication.

One of these is completed for each parent and child who participate in an exchange and will include the person's name, the time they arrived and departed, the time they were expected to arrive, the date, the name of the staff member who wrote the note, a summary of activities done during the exchange, any interventions made by staff and comments or requests by the child(ren).

4. Fill in the date you need the information returned to you by
5. A signature should be provided for the attorney/individual requesting the documents and the preparer. You will also need to fill in the date the subpoena was prepared.
6. Include on the bottom the contact information for the preparer of the subpoena