

STATE OF MAINE

PROBATE COURT

County: _____

Docket No. _____

DISTRICT COURT

Location: _____

Docket No. _____

IN RE: _____
(Minor Name)

ORDER TO COMPEL ATTENDANCE OR
PRODUCTION OF RECORDS BY
DEPARTMENT OF HEALTH AND HUMAN
SERVICES AT GUARDIANSHIP HEARING
18-C M.R.S. § 5-205(1)

The Court finds that receiving information from the Department of Health and Human Services may be necessary for the determination of the issues. Accordingly, the Court hereby **ORDERS:**

_____ shall appear for the purpose of testifying at the (Probate) (District) Court located at _____ at _____, _____, Maine at _____ (am)(pm) on _____ and to remain until discharged.
(Court Name) (Court Address) (Court City or Town) (Time) (Date)

Order to Produce Records

The Court recognizes that these records are ordinarily confidential pursuant to 22 M.R.S. § 4008, but is also mindful of the need to weigh the confidentiality of these records against the necessity for counsel to have access to the documents for representation of counsel’s clients. With that balance in mind, the Court enters the following Order:

Within thirty days after the date of this order, the Department of Health and Human Services shall deliver to the _____ Clerk/Register all records concerning the following minor child:

Minor Name: _____ D.O.B. _____

Parent(s) Name(s): _____

To assist the court in its *in camera* review of the file, a Department representative may identify those portions of the records that the Department asserts should not be released because they are either not relevant or contain particularly sensitive confidential information. The Court shall conduct an *in camera* review of those portions so marked and determine whether and under what conditions, if any, to release them.

The parties’ attorneys shall be permitted to review those portions of the records that the Court has not excluded based upon its *in camera* review. The records are to remain in the Court Clerk / Register’s office at all times. No duplicates or copies are to be made of any of the records and no information contained in the records is to be disclosed to any party except by further order of the Court.

In the event that any attorney desires to receive copies of any of the records reviewed by him/her to discuss the contents of the records with anyone, or to make use of the contents of the records for any purpose, he or she shall list the documents or information sought to be released and present such request to the Court. The Court will then review the records and make further order as to that request.

These documents are subject to any motions *in limine* brought by any party. A copy of the request for release shall be provided to counsel for the Department of Health and Human Services reasonably in advance of any hearing or conference on the request.

In the event that documents or information are provided to any party, all parties shall be mindful that the records remain confidential and may be used only for the purposes of the present litigation. Counsel shall take such steps as may be necessary to preserve the confidentiality of those records while the records are in his or her office files, and shall not disseminate the information without court order.

Date: _____

Judge, Probate Court / District Court