

Northeast Treatment Centers, Inc.
813 West Street
Wilmington, DE 19801

Division of Family Services
c/o Patricia Dailey Lewis, Esq.
Department of Justice
820 N. French Street, 6th Fl
Wilmington, DE 19801

PLEASE TAKE NOTICE that the attached Motion for an Order Releasing Records will be presented to the Honorable Barbara D. Crowell for consideration at the Court's earliest convenience.

TANIA M. CULLEY, ESQUIRE
Child Advocate
913 Market Street, Suite 900
Wilmington, DE 19801
(302)577-6830
Attorney Guardian *Ad Litem* for

Dated: January __, 2002

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on January ____, 2002, she caused the attached Motion to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Vivian Houghton, Esquire
Houghton, Holly & Gray
800 N. West Street, 2nd Floor
Wilmington, DE 19801

WCI
660 Baylor Blvd.
New Castle, DE 19720

PSI
C/O John Sigler, Esq.
630 West Division Street, Suite F
Dover, DE 19901

Rockford Center
100 Rockford Drive
Newark, DE 19711

Brandywine Counseling, Inc.
2713 Lancaster Ave,
Wilmington, DE 19805

Meadowood Hospital
575 S. DuPont Highway
New Castle, DE 19720

New Castle Community Mental Health
Fernhook
14 Central Ave.
New Castle, DE 19720

Connections
500 West 10th Street
Wilmington, DE 19801

Delaware Psychiatric Center
C/O Marc P. Niedzielski, Esq.
Department of Justice
820 N. French Street
Wilmington, DE 19801

Child Mental Health
C/o James Maxwell, Esq.
Department of Justice
820 N. French Street, 6th Fl
Wilmington, DE 19801

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MANNER OF DELIVERY:

_____ One true copy by facsimile transmission to each recipient

 X Two true copies by first class mail, postage prepaid to each recipient

_____ Two true copies by Federal Express

___ ___ Two true copies by hand delivery

TANIA M. CULLEY, ESQUIRE
Child Advocate
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Wilmington, DE 19801
(302)577-6830
Attorney Guardian *Ad Litem* for

IN THE FAMILY COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

IN THE INTEREST OF:

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Petitioner,

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File No.

v.

Petition No.

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and

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Respondents.

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**MOTION FOR ORDER AUTHORIZING
RELEASE OF RECORDS**

COMES NOW, the Office of the Child Advocate (OCA), by and through Tania M. Culley, Esquire, Child Advocate and Attorney Guardian *Ad Litem* for, and hereby requests that this Honorable Court order Psychotherapeutic Services, Inc. (PSI), Brandywine Counseling Inc., New Castle Community Mental Health, Delaware Psychiatric Center, NorthEast Treatment Centers (Net Counseling), Rockford Center, Meadowood Hospital, Connections, Child Mental Health and the Division of Family Services to release copies of all records pertaining to the drug, alcohol and mental health evaluation and treatment of (DOB:), including but not limited to all evaluations, referrals, treatment notes, progress notes and discharge summaries regarding their care and treatment. In support of this motion, OCA alleges the following:

1. OCA understands that was referred and/or admitted to these facilities and providers for evaluation and treatment of drug treatment and/or

mental health evaluation and treatment. In addition, the Division of Family Services has drug, alcohol and mental health records regarding these providers which they will not produce absent a Court order.

2. OCA has been advised by these providers and DFS that they are unable to release the subpoenaed information because said records allegedly contain confidential information about reported drug, alcohol and/or mental health problems.
3. Said records and/or testimony may be released pursuant to 42 U.S.C. § 290dd-2 and 42 C.F.R. § 2.61, et seq. 42 U.S.C. § 290dd-2 provides that the content of a covered record may be disclosed as follows:

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician/patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of law or any parts of any of the record is necessary shall impose appropriate safeguards against unauthorized disclosure.
4. 42 C.F.R. §§ 2.61 through 2.64 provides that a Court may order disclosure if good cause exists. Good cause includes: (1) other ways of obtaining the information are not available or would not be effective; and (2) public interest for disclosure outweighs potential injury. 42 C.F.R. § 2.64.
5. This information is pertinent to the parents' progress or lack of progress towards rehabilitation from drug or alcohol addiction and/or mental health issues, and directly relates to their ability to parent, reunification efforts and the determination of their parental rights.

WHEREFORE, OCA respectfully requests that this Court issue the attached order to PSI, Brandywine Counseling Inc., New Castle Community Mental Health, Delaware Psychiatric Center, Net Counseling, Rockford Center, Meadowood Hospital, Connections, Child Mental Health and the Division of Family Services to release all information pertaining to .

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Attorney Guardian *Ad Litem* for

DATED:

IN THE FAMILY COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

IN THE INTEREST OF:

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Petitioner,

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File No

v.

Petition No.

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and :

Respondents.

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O R D E R

IT IS HEREBY ORDERED this _____ day of January, 2002, that good cause has been shown by the Office of the Child Advocate under 42 U.S.C. § 290dd and 42 C.F.R. § 2.64 for the disclosure of treatment services provided by PSI, Brandywine Counseling Inc., New Castle Community Mental Health, Delaware Psychiatric Center, NorthEast Treatment Centers (Net Counseling), Rockford Center, Meadowood Hospital, Connections and Child Mental Health regarding _____ in the above-captioned matter.

THEREFORE, IT IS FURTHER ORDERED that PSI, Brandywine Counseling Inc., New Castle Community Mental Health, Delaware Psychiatric Center, NorthEast Treatment Centers (Net Counseling), Rockford Center, Meadowood Hospital, Connections and Child Mental Health shall produce their records regarding evaluation, treatment and discharge of _____ in the above-captioned matter within the next 20 days.

The Division of Family Services is also ordered to provide any and all drug, alcohol and mental health records regarding these providers to the Office of the Child Advocate within the next 20 days.

JUDGE BARBARA D. CROWELL