



**Judge Anne B. Darring
306th Judicial District Court
Galveston, Texas**

FILED
23 AUG -3 PM 4:16
DISTRICT CLERK
GALVESTON COUNTY, TEXAS

**STANDING ORDER PERTAINING TO ALL CASES IN WHICH
COURT APPOINTED SPECIAL ADVOCATES ARE APPOINTED**

This Standing Order is effective immediately and applies to all cases wherein **Court Appointed Special Advocates** (hereinafter referred to as "**CASA**") is appointed.

This Order relates to the production of documents and information by **Court Appointed Special Advocates** to all other parties in the the case to which they are appointed.

In this Order "child" includes each child, whether one or more, who is a subject of the suit while that child is under the age of eighteen years and not otherwise emancipated.

This Court hereby finds good cause in entering this order in that:

- (1) other ways of obtaining the information are not or may not be available or would not be effective,
- (2) the public interest and need for disclosure outweigh the potential injury to the patient, the physician-patient relationship and the treatment services, and
- (3) this disclosure of information is in the best interest of the child.

This Court hereby finds additionally that even if the information relates to the investigation of child abuse, disclosure of said information is essential to the administration of justice and would not endanger the child, the person reporting the abuse or any other person.

RECORDS TO BE PRODUCED

IT IS HEREBY ORDERED that staff or volunteer advocates of **Court Appointed Special Advocates ("CASA") SHALL** produce ***within five business days of receipt*** all documents relating to the child or children for whom they are appointed to advocate for including but not limited to:

- (1) Education information, documents and records including attendance records, teachers' notes, report cards, discipline reports and special education documentation;

- (2) Medical information and records including doctor's notes, hospital records and documentation regarding diagnoses, treatment, medication, future appointments and any other medical records of any nature
- (3) Therapeutic, psychiatric, psychological information records, including but not limited to mental health treatment records (except as specified below), and
- (4) Dental records
- (5) Legal or criminal records;
- (6) Employment records.

CASA is further **ORDERED** to redact any identifying information of a child's placement before releasing subject records to counsel for the Respondent/s.

This order pertains to documents in the possession of the CASA volunteer or staff member, even where subject to the medical records privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 Code of Federal Regulations sections 164.500 *et seq.* and 42 Code of Federal Regulations sections 2.1 *et seq.* (herein "Protected Health Information").

THESE DOCUMENTS SHALL BE PRODUCED TO THE FOLLOWING PARTIES:

- (1) Attorneys for the Texas Department of Family and Protective Service;
- (2) Attorneys who Represent the Parents or the Un-Represented Parents of the Children;
- (3) Attorney Ad Litem for the Children;
- (4) Attorneys Representing any Party given permission to intervene;
- (5) Upon request, the Presiding Judge, Associate Judge, Clerks, court coordinator or any other court staff member as presented in court for the purpose of litigation.

REGARDING MENTAL HEALTH RECORDS

In the case of mental health or therapy information and records, **CASA** may withhold production of these records to the ***attorney for the parent or the pro-se parent or intervenor*** if **CASA**, in good faith, believes that such disclosure will be harmful to the child. The parent may then request an in camera inspection and hearing to determine whether the disclosure of these records will be harmful to the child.

If **CASA** believes that the production of these mental health or therapy documents to the parents will be harmful to the child, **CASA** must notify the parents, or their attorney if represented of the existence of such documents so that a hearing can be requested if desired.

TIMELY SUPPLEMENTATION

CASA is **ORDERED** to provide any and all supplemental records and/or information they receive regarding the child the subject of any suit to the above named persons and/or parties/entities named within five business days of receipt of said supplemental records and/or information subject to the same exception detailed in the subsection above.

INFORMATION REGARDING ADVOCATE

CASA is **ORDERED** to provide to the attorneys of record the full name, e-mail address and contact phone number of the volunteer advocate assigned to each case and/or the assigned advocate supervisor if no volunteer is assigned. Any attorneys and their staff who receive this contact information shall protect the confidentiality of the volunteer advocate. This information shall be provided within five business days of assignment.

This order goes into effect immediately and applies to all cases pending in the 306th Judicial Court at this time.

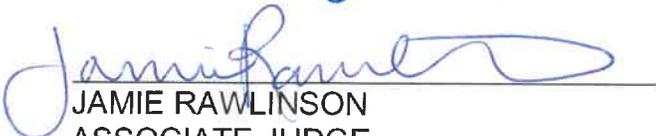
If the **CASA** advocate, staff member or attorney fails to produce such documents as ordered in this case, then **CASA** shall be removed from this case.

The disclosure of Protected Health Information may only cover the time period of the child's birth to the close of the case.

As to **CASA**, this order and authorization shall expire upon the final disposition of the above-named and numbered cause, including any appeals.

All persons/entities receiving Protected Health Information under this order shall comply with the requirements set forth under Texas Health and Safety Code Chapter 181 and shall ensure the safeguarding of any documents in their possession, including the appropriate destruction of Protected Health Information upon conclusion of the above-named and numbered cause, including any appeals.

SIGNED August 3, 2023


JAMIE RAWLINSON
ASSOCIATE JUDGE


ANNE B. DARRING
PRESIDING JUDGE