



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Legal Division



Sample Petitions and Court Orders¹

Note: Lawyers who want sample petitions and court orders to request Child Welfare records may request a copy to be sent by the United States Post Office, or downloaded from our Web site.

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OKDHS contact information:

Where to send records petitions and court orders (June, 2007)

Oklahoma County:

Deloris Ferguson, County Director
Juanita Giwa, Supervisor
Oklahoma Department of Human Services
5905 N. Classen Court
Oklahoma City, OK 73118
Fax (405) 767-2595

Tulsa County:

Deborah Eddingfield
Child Welfare Records Clerk
Oklahoma Department of Human Services
444 South Houston Avenue
Tulsa, OK 74127
Fax: (918) 581-2074

¹ LD ID: OKDHS Records Appendix, revised June 2007

All other counties:

Contact the county office where the proceeding has been filed. Go to the OKDHS public Web site:

<http://www.okdhs.org/okdhslocal/>

Click on the applicable county and it will give you the county director's name and contact information. Call the county office to find out person to whom records petitions and orders should be directed.

DATE: _____

TO: _____ at Fax No.: _____

FROM: _____, Oklahoma Department of Human Services (OKDHS)

RE: Forms for Disclosure of OKDHS Records and/or Testimony (3 documents)
Order for Appearance of Witness (1 document) and Contact information

Page 1 of 13 pages being transmitted including cover page.

MESSAGE:

There are four different documents. First document is the Petition for Disclosure of Records to the Court (3 pages); the second document is an order for OKDHS to produce records to the court for the court's review (3 pages). The third document is the order issued after judicial review of the records that authorizes disclosure under a protective order (3 pages). The fourth document is an order for witness appearance (2 pages).

Prepare the Petition and Order to produce records to the court and present to court for signature. Mail or fax the Petition and Order for Records to OKDHS. For appearance of OKDHS witnesses, serve the individual witness. **See contact information sheet on where to route petitions and court orders.**

At the records hearing, the court may believe that the records should be released to the petitioning party. If so, provide the court with the order authorizing release of confidential information or records (**after judicial review**) under a protective order.

If you will not need an OKDHS employee to testify at the initial records hearing, please delete that paragraph from the order. You can always ask that the court order testimony from OKDHS witnesses if the court determines disclosure of the records or confidential information should occur.

If names of OKDHS witnesses are discovered after the records have been released and OKDHS testimony is needed, please use the Order for Appearance of Witness form also enclosed to secure attendance of OKDHS witnesses.

Feel free to use these forms and modify as needed for your particular circumstances.

have information pertaining to the aforementioned agency records which are relevant to the issues of this proceeding and which will inform and assist the court in reaching a decision in this matter.

4. Pursuant to 10 O.S. §7005-1.2, a court order directing production of the agency records for judicial review of the records and a court order authorizing disclosure of the records is necessary for this party to have access to the agency records and any information contained therein.

5. A compelling reason exists for the inspection, release or disclosure of such records and the testimony of _____ and such disclosure is necessary for the protection of a legitimate private or public interest for the following reasons: **[State the reason the information is needed and the public or private interest being protected by the disclosure, e.g., child custody matter.]**

WHEREFORE, _____ respectfully requests this court to:

1. Issue an order directing OKDHS to deliver to the court copies of those records in its possession pertaining to the child/ren and others described herein above for the purposes of an *in camera* review by the court; and,

2. Upon judicial review of those records, enter an order authorizing the inspection, release, or disclosure of said records **[by or to]** counsel for Petitioner; and,

3. Issue an order directing following employee or employees of OKDHS, to wit: _____, to [] appear or [] be "on call" before this Court at ___ o'clock __.m., on the ____ day of _____, 20____, prepared to testify in a proceeding about the information contained in certain agency records.

Attorney Signature Line
Name, Address, Phone

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ____ day of _____ ,
20____, a true and correct copy of the within and foregoing instrument was either mailed by
first class mail, postage prepaid, or hand-delivered to the following persons:

- 1) parties and/or their attorneys;
- 2) subjects of the records;
- 3) District Attorney (as applicable);
- 4) Public Defender or attorney for child/ren (as applicable); and
- 5) Oklahoma Department of Human Services

Attorney Signature Line

who has reported an allegation of suspected child abuse or neglect unless such information has been fully redacted.

3. The agency records being produced by OKDHS shall be delivered to the following named Judge of the District Court, to-wit:

Honorable _____
 _____ County Courthouse

 (Address)

4. **NOTICE** is hereby given that a hearing has been scheduled in this matter on the ____ day of _____, 20 ____, at ____ o'clock ____ .m., before the undersigned Judge of the District Court, in Room _____ of the _____ County Courthouse. OKDHS is ordered to produce said records to the court on or before the herein referenced hearing date for the court's *in camera* review of said records. If the said Oklahoma Department of Human Services or other person entitled to notice have an objection to the disclosure of its records, then the said person or agency's representative must advise the court in writing of such objection or appear at the above hearing.

5. The following employees of the Oklahoma Department of Human Services, to-wit: _____, shall [] appear or [] be "on call" for the hearing on the date and time referenced above, prepared to present testimony about the information contained in said records, if the court finds it necessary.]

6. After an *in camera* review of the records and testimony, if necessary, the court shall determine if a compelling reason exists to authorize the inspection, release

or disclosure of said records, and/or the testimony of the OKDHS employee about the information contained in those records.

7. The party petitioning for the records shall provide notice of the above referenced hearing date to all persons and/or agencies entitled pursuant to 10 O.S. §7005-1.2 by providing all such persons or agencies with a copy of the herein referenced Petition and a copy of this Order at least three (3) judicial days in advance of said hearing.

JUDGE OF THE DISTRICT COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ____ day of _____, 20 ____, a true and correct copy of the within and foregoing instrument was either mailed by first class mail, postage prepaid, or hand-delivered to the following persons:

- 1) parties and/or their attorneys;
- 2) subjects of the records;
- 3) District Attorney (as applicable);
- 4) Public Defender or attorney for child/ren (as applicable); and
- 5) Oklahoma Department of Human Services

Attorney Signature Line
[Attorney name and address]

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

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Case No. _____
Judge _____

**ORDER AUTHORIZING RELEASE AND DISCLOSURE OF RECORDS,
ORDER FOR TESTIMONY OF WITNESSES AND PROTECTIVE ORDER**

NOW on this _____ day of _____, 20 _____, this matter comes on for the review of the agency records and the information contained therein maintained by the Oklahoma Department of Human Services ["OKDHS"] pertaining to :
_____ .

The Court, being fully advised in the premises, **FINDS:**

1. That in accordance with 10 O.S. §7005-1.2, the Court has reviewed the records provided by OKDHS pursuant to this Court's order. With due regard for the confidentiality of the records and the privacy of the persons identified in the records, the Court finds that a compelling reason exists and it is necessary for the protection of a legitimate public and private interest to authorize the inspection, release and/or disclosure of the records pertaining to those persons named above to the party requesting said records.

2. That certain employees of OKDHS as set forth below have information pertaining to the subjects of the confidential records which is relevant to the issues of this proceeding and which will inform the Court and assist in reaching a decision in this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the agency records [**or hereinafter described records**] pertaining to those persons named above shall be released and disclosed to the requesting party, and/or that the following employees of OKDHS, to-wit: _____, shall be required and are directed to testify at trial about the information contained in

said agency records. The production of OKDHS records and/or testimony of an OKDHS employee or employees, shall be conditioned on the following terms or restrictions:

- a. The agency records being released and disclosed are confidential records pursuant to 10 O.S. §7005-1.2 and shall not be open to the general public or inspected or their contents disclosed other than as set forth in this Order.
- b. Disclosure of the agency records identified herein and/or testimony relating to confidential information is limited to the parties to this action, their attorneys, and those persons employed or acting on behalf of the parties and their attorneys whose aid is necessary in the prosecution or defense of this case.
- c. The confidential agency records and documents hereby released and any confidential testimony given herein shall not be used for any purpose other than the preparation and conduct of these proceedings.
- d. No documents, pleadings or records which contain confidential information shall be filed except under seal with the legend "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS SUBJECT TO A PROTECTIVE ORDER OF THE COURT".
- e. Information that would identify the person or persons who made a report of child abuse or neglect has been deleted and shall remain confidential unless a specific court order is obtained for the for the release of said information.
- f. The release by counsel or any other person for any reason of any identifiers such as social security or tax identification (ID) numbers that may be contained in OKDHS records and which belong to any person or entity is **strictly prohibited**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the agency records and their contents and any testimony pertaining to those records shall remain confidential and the use of the records and information contained therein, shall be limited to the purposes set forth herein for which disclosure is authorized.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the testimony being offered regarding the confidential information in the agency records is also confidential so the proceedings shall be closed to the public and only the parties and their counsel shall be allowed to hear such testimony.

JUDGE OF THE DISTRICT COURT

APPROVED:

ATTORNEY FOR PETITIONER

ATTORNEY FOR RESPONDENT

ATTORNEY FOR CHILD/REN

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ____ day of _____ ,
20____ , a true and correct copy of the within and foregoing instrument was either mailed
by first class mail, postage prepaid, or hand-delivered to the following persons:

- 1) Attorneys for the parties and children; or *Pro Se* parties;
- 2) subjects of the records;
- 3) District Attorney (as applicable);
- 4) Oklahoma Department of Human Services

Attorney Signature Line
(Address, Phone & Fax)

IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA

[CASE STYLE]

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Case No. _____

Judge _____

ORDER FOR APPEARANCE OF WITNESS

NOW ON this _____ day of _____, 20____, upon the oral motion of the [] Plaintiff/Petitioner; [] Defendant/Respondent; [] Court's own motion and pursuant to 10 O.S. §7005-1.2, and the previous order of the Court directed to the Oklahoma Department of Human Services ["OKDHS"] to produce its confidential records upon being fully advised, the Court **FINDS**

1. That the testimony of certain employees of OKDHS, who have knowledge regarding the contents of OKDHS records released pursuant to an order of this Court shall be necessary in the trial of the proceedings now pending before this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT

that _____, employees of OKDHS, shall appear before this Court to provide testimony in this matter beginning on the ____ day of _____, 20 __, at _____ o'clock ____ .m., in Room ____ of the _____ County Courthouse and continuing on such other dates and times as may be required until the trial has been concluded. For the convenience of the parties, the said witness(es) may be placed "on call."

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that notice of the above-referenced hearing date shall be given by the Court to all persons and/or agencies entitled pursuant to 10 O.S. §7005-1.2 by providing all such persons or agencies with a copy of this Order at least three (3) judicial days in advance of said hearing.

JUDGE OF THE DISTRICT COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the _____ day of _____, 20____, a true and correct copy of the within and foregoing instrument was either mailed by first class mail, postage prepaid, or faxed to the following persons:

ATTORNEYS OF RECORD or *PRO SE* PARTIES, and

NOTE: Contact the local OKDHS office to find out how this order needs to be routed to OKDHS Witnesses.

Attorney signature line
Attorney name and address