

MOTION AND ORDER FOR DISCLOSURE OF RECORDS

NO. _____

IN THE INTEREST OF

§

IN THE DISTRICT COURT OF

§

_____ COUNTY, TEXAS

A CHILD

§

___TH JUDICIAL DISTRICT

**MOTION TO AUTHORIZE DISCLOSURE OF RECORDS
AND CONFIDENTIAL COMMUNICATIONS**

COMES NOW Petitioner, the Texas Department of Family and Protective Services, and files this its Motion to Authorize Disclosure of Records and Confidential Communications held by the Custodians of Records and personnel of the {list all service providers here}, and respectfully would show the Court the following:

I.

Petitioner has filed a Suit Affecting the Parent-Child Relationship requesting that the parental rights of the Respondent Parents be terminated or limited. *Service providers (and we list each one in this document, not separate motions)*, each has information regarding the Respondent Parents that is relevant to a determination of the Respondents parental rights.

II.

Good cause exists for the release of the requested information in that other ways of obtaining the information are unavailable or ineffective and the public interest and need for disclosure outweigh the potential injury to the patient, the physician-patient relationship and the treatment services.

WHEREFORE, PREMISES CONSIDERED, Petitioner requests that *Service Providers*, each be ordered to disclose records and confidential communications regarding Respondent Parents, and to discuss said records, services provided, opinions, and all requested information regarding the Respondent Parents, and to testify regarding the same.

Respectfully Submitted,

NOTICE OF HEARING

A hearing on the above Motion to Authorize Disclosure will be held on the ____ day of _____, _____, at _____ a.m., before the Honorable _____, _____.

CERTIFICATE OF SERVICE

By my signature above I hereby certify that a true and correct copy of the foregoing Motion to Authorize Disclosure has been sent certified mail, return receipt requested, or by facsimile transmission on the ____ day of _____, _____, to:

Attorney Ad Litem
Facsimile No.

CASA - _____
Guardian Ad Litem
Facsimile No.

Attorney for Respondent Mother
Facsimile No.

Attorney for Respondent Father
Facsimile No.

Need to give notice to each provider
Service Provider
Custodian of Records

Service Provider
Custodian of Records

NO. _____

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A CHILD

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_____ JUDICIAL DISTRICT

**ORDER AUTHORIZING DISCLOSURE OF RECORDS
AND CONFIDENTIAL COMMUNICATIONS**

On the _____ day of _____, 2008, came before this Court Petitioner's Motion to Authorize Disclosure of Records and Confidential Communications. The Court finds, pursuant to 42 C.F.R. §2.64, that good cause exists for the disclosure in that that there is no other way to obtain the necessary information or other ways would be ineffective, and the public interest and need for disclosure outweigh the potential injury to the patient, the physician-patient relationship and the treatment services.

IT IS THEREFORE ORDERED that *Service Provider*, and their agents and employees, each disclose records to Petitioner, the Texas Department of Family and Protective Services, through its attorney, and to the Attorney ad Litem for the subject children, pertaining to the Respondent Parents, and to discuss said records, services provided, opinions, and all requested information regarding the Respondent Parents, and to testify regarding the same, pursuant to Petitioner's duly executed subpoenas in this cause, as is necessary for the determination of Respondents parental rights.

Signed this _____ day of _____, 2008.

Judge Presiding

AGREED AS TO FORM:

Assistant District Attorney
Attorney for Petitioner

CASA -
Guardian Ad Litem

Attorney for Respondent Father

Attorney Ad Litem

Attorney for Respondent Mother