

Order for Production of Substance Use Disorder Records

Noncriminal Cases Only

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

In the Matter of the Petition of _____ No. _____

_____ * ORDER RE: PRODUCTION OF
SUBSTANCE USE DISORDER RECORDS OF

It appearing to the court that:

1. A valid subpoena duces tecum has been served on the custodian of records of (name of hospital): _____ (“custodian of records”); and
2. Said subpoena seeks records relating to treatment for substance use disorder of the following patient*: _____; and
3. The custodian of records has produced said records for the court’s preliminary review in camera; and
4. Said records contain information subject to the confidentiality requirements of 42 U.S.C. Section 290dd-2 and 42 C.F.R. part 2; and
5. Disclosure of the information contained in said records as described below is necessary in the interests of justice, and other ways of obtaining this information are not available or would not be effective; and
6. The public interest and need for disclosure outweigh the potential injury to the patient, the physician-patient and/or the psychotherapist-patient relationship, and the treatment services; and
7. The public interest will best be served by disclosure of said information; and

Said records contain no information that would be prohibited from disclosure by the physician-patient privilege, psychotherapist-patient privilege or any other privilege.

NOW, GOOD CAUSE APPEARING THEREFOR, IT IS ORDERED THAT:

1. The custodian of records is to deliver to this court the substance use disorder records of * _____
_____ for use only in these proceedings.
2. The following portions of said records contain information essential to fulfill the objectives of this order: _____.
3. Disclosure of the records identified in paragraph 2 (may/shall) be made to the following persons whose need for the information is the basis for this order: _____
_____.
4. The clerk of the court shall seal from public access such of the said records as may become

part of this court's records, whether as evidence or otherwise.

5. Any person who obtains copies of the records disclosed pursuant to this order shall maintain their confidentiality and shall make no further disclosure except as provided by law or by order of this court.

Upon termination of these proceedings, including any appeal, the parties and their counsel shall destroy all copies of records and information pursuant to this order. Any original records shall be returned to the hospital.

Date: _____ Time: _____ AM / PM

Signature: _____
(judge)

Print name: _____
(judge)

**Unless the records of this proceeding are ordered by the court to be sealed from the public scrutiny, references to the patient must use a fictitious name (e.g., John Doe or Jane Doe) and may not otherwise contain any patient-identifying information. [42 C.F.R. Section 2.64(a)]*