

# ***SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY***

## ADMINISTRATIVE PROCEDURE

**NUMBER: RR1017**

**NAME: RESPONDING TO SUBPOENAS AND SEARCH WARRANTS**

INITIAL APPROVAL DATE:	04/23/2003	BY: Administrative Committee
STAKEHOLDER REVIEW:	04/18/2023	BY: RRAC
(LAST) REVISION DATE:	06/20/2017	BY: Recipient Rights Officer
(LAST) REVIEW DATE:	04/20/2023	BY: Policy Committee
DISCONTINUED DATE:	N/A	REPLACED BY: N/A

### **I. PURPOSE**

It shall be the policy of Sanilac County Community Mental Health Authority (Sanilac CMH) that release of confidential recipient information in response to subpoenas and search warrants will be in accordance with the Michigan Mental Health Code, DHHS Administrative Rules and related statues or laws.

### **II. APPLICATION**

Populations: **ALL**  
Programs: **ALL**

### **III. DEFINITIONS**

None

### **IV. STANDARDS:**

### **V. PROCEDURES:**

When a subpoena for recipient records is received at Sanilac CMH, the following procedures will be followed:

1. The subpoena will be reviewed by the Program Supervisor for completeness (i.e. The subpoena must be signed by an attorney of record on the action or by the clerk of the court in which the matter is pending or by the judge of that court.)
2. If it is unclear as to what documents are requested, the Program Supervisor will contact the party that issued the subpoena for clarification.
3. The Program Supervisor and/or designee will flag the documents to be released and forward to the assigned clerical staff.
4. The assigned clerical staff will compile a list of all documents to be released on Form #0144 and then files the form in the recipient's case record.
5. All documents to be released will be stamped "confidential".
6. The assigned clerical staff will submit to the Finance Department the number of copies prepared and the time spent to prepare them. The Finance Department will be responsible for determining if the party requesting the information is to be billed.

When a subpoena is received at Sanilac CMH or a staff is served with a subpoena, the following procedures will take place:

1. The staff person will advise their immediate Supervisor or their designee of the subpoena.
2. The Program Supervisor will review the subpoena for completeness (i.e. The subpoena must be signed by an attorney of record on the action or by the clerk of the court in which the matter is pending or by the judge of that court.) The subpoena also has to specify the date and time the staff is expected to appear.
3. The subpoena must be served at least two (2) days before the staff is to appear in court. If the subpoena is served with less than two (2) days' notice, the staff must advise the party that served the subpoena if they are not prepared or available to appear. The party that issued the subpoena needs to then clarify the next step that will be taken (excuse the staff from testifying, hold a special hearing, schedule another date for appearance, etc.) The staff should document the instructions from this individual.
4. Staff should be aware that if not called to testify on the date they appeared in court, the court can order that the staff return until excused by the court.

When a search warrant is received at Sanilac CMH, the following procedures will take place:

1. The search warrant will be reviewed by the Program Supervisor for completeness (i.e. The search warrant must identify who requested the search warrant and it must be signed by the Prosecuting Official and Judge/Magistrate.)
2. The search warrant will be responded to with due diligence.

**VI. ATTACHMENTS – Affidavit for Search Warrant**

**VII. REFERENCES – Form #0144**