

SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

NUMBER: RR1017

NAME: RESPONDING TO SUBPOENAS AND SEARCH WARRANTS

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| INITIAL APPROVAL DATE: | 04/23/2003 | BY: Administrative Committee |
| STAKEHOLDER REVIEW: | 04/15/2025 | BY: RRAC |
| (LAST) REVISION DATE: | 06/20/2017 | BY: Recipient Rights Officer |
| (LAST) REVIEW DATE: | 04/15/2025 | BY: Recipient Rights Officer |
| | 04/17/2025 | 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, MDHHS Administrative Rules and related statutes 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

VII. REFERENCES – Form #0144