

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

J.R., a minor, by and through
Jennifer Rhines, her next friend
and mother, et al.,

Plaintiffs,

v.

CV No. 17-431 RB/CG

CHRIS STANDLEY, et al.,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION ALLOWING
CHILDREN, YOUTH, AND FAMILY SERVICES TO RELEASE RECORDS**

THIS MATTER is before the Court on Defendants' *Unopposed Motion for Order Allowing Children, Youth, and Family Services to Release Records*, (Doc. 59), filed October 11, 2017. In the Motion, Defendants state that the parties have a legitimate interest medical records, information, and testimony pertaining to Plaintiff J.R., which are in the possession of the New Mexico Children Youth and Family Department ("CYFD"), and Defendants ask the Court to enter this order to allow the disclosure of those records. The Court, having read the motion, noting that it is not opposed by counsel for Plaintiffs or by counsel for CYFD, and being otherwise fully advised, finds that the disclosure of these records to the parties is appropriate based on the claims and defenses of the parties in the current action. In addition, the disclosure of these records is appropriate and in accord with N.M.S.A. 1978 § 32A-4-33(B)(19).

IT IS THEREFORE ORDERED that:

1. CYFD shall comply with appropriate subpoenas/subpoenas duces tecum compelling production of records and/or testimony in this matter.

2. The party issuing a subpoena duces tecum compelling production of records in this matter shall share all of the records or information produced with all the other parties in this matter along with a copy of this Order within four days of receipt of the materials from CYFD.

3. The use of any record from CYFD compelled by subpoena duces tecum, or the proffering of any testimony from CYFD, including current or former employees, shall be subject to the following restrictions:

a. No reference of any kind to CYFD or any CYFD information and records, whether made through testimony, argument, presentation of exhibits, or otherwise, shall be made unless the courtroom or other location shall first have been cleared of everyone other than essential court personnel, the parties, counsel for the parties, CYFD personnel, and any other individuals the Court determines have a legitimate interest pursuant to N.M.S.A. 1978 § 32A-4-33(B)(19), and those remaining in the courtroom or other location shall be advised of the statutory confidentiality requirements concerning the information and records referenced.

b. All CYFD records that are produced, whether offered as exhibits or not, shall not be disclosed to anyone other than the parties and the Court and any other individuals the Court determines have a legitimate interest pursuant to NMSA 1978 § 32A-4-33(B)(19), and shall be either returned to CYFD at the close of the hearing in which they are produced, or maintained in the files of the Court in a manner to protect the confidentiality of these records. The parties shall destroy the CYFD records in their possession upon the determination in the trial or hearing in which they were offered and any appeal from the same.

c. Anyone who receives documents or information under this Order shall be prohibited from redisclosure of those documents and of information contained in those documents and of any other information obtained from CYFD, except information of which that party has independent knowledge, but only to the extent of that independent knowledge.

d. If CYFD represents that the documents and information are otherwise privileged by law, or that disclosure would be likely to endanger the life or safety of any person providing information to the department, this Court shall review the documents and information *in camera* prior to disclosure so that redaction can be made, as necessary.

e. All portions of the court record which contains reference to CYFD records and information shall be sealed and closed to anyone other than essential court personnel, the parties, counsel for the parties, CYFD personnel, and any individuals the Court determines have a legitimate interest pursuant to NMSA 1978 § 32A-4-33(B)(19).

f. Nothing in this Order shall be construed to apply to release of privileged information or to release of any information protected by NMSA 1978 § 32A-4-4(A) concerning a person reporting child abuse or neglect.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE

Submitted by:

ATWOOD, MALONE, TURNER & SABIN, P.A.

/s/ Barbara Evans

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