

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JOHN DOE NO. 143, by and through his	:	
parents and natural guardians, MOTHER DOE	:	
and FATHER DOE, and MOTHER DOE and	:	
FATHER DOE, individually,	:	
	:	
Plaintiffs,	:	Case No. 1:16-cv-206
	:	
v.	:	
	:	
HARTFORD SCHOOL DISTRICT,	:	
	:	
Defendant.	:	
	:	

RULING ON MOTIONS
TO COMPEL THE STATE OF VERMONT
(Docs. 27, 40)

Defendant Hartford School District moves to compel the State of Vermont’s Department of Children and Families Family Services Division (“DCF”) to produce documents responsive to its subpoena. (Doc. 27.) The State opposes the motion. (Doc. 33.) Plaintiffs John Doe No. 143, by and through his parents and natural guardians, Mother Doe and Father Doe, and Mother Doe and Father Doe, individually (collectively, “Plaintiffs”) filed a notice of joinder in Defendant’s motion to compel and a memorandum in support that was served on the State of Vermont. (Docs. 40-41.) The Court construes the Plaintiffs’ filing as a motion to compel. The State did not respond to Plaintiffs’ filing.

The Vermont and federal rules regarding the scope and limits of discovery are similar: parties may obtain discovery of non-privileged matters relevant to any party’s claim or defense. Compare Vt. R. Civ. P. 26(b)(1) with Fed. R. Civ. P. 26(b). While the State currently resists disclosure because the records sought are statutorily designated as confidential (Doc. 33 at 1-2), it has in the past stated its records could be released with a court order (Doc. 40-2).

Under Vermont law, the redacted DCF investigation file “shall” be disclosed to the child’s parents upon request, provided the parent is not the subject of the investigation, absent good cause shown by DCF. Vt. Stat. Ann. tit. 33. § 4921(c). Here, both Plaintiffs and Defendant seek the information from DCF, there is no indication Mother Doe or Father Doe is the subject of the investigation, and the Court determines DCF has not shown good cause to prevent disclosure of the file. Accordingly, Plaintiffs’ motion to compel (Doc. 40) is granted in part and denied in part, and Defendant’s motion to compel (Doc. 27) is denied as moot.

DCF shall disclose the contents of its file to Mother Doe and Father Doe’s counsel on or before June 23, 2017. Mother Doe and Father Doe shall immediately provide copies of the produced material to Defendant Hartford School District. Review and copying of the DCF records shall be limited to the parties, their counsel and representatives, and the records shall be maintained in confidence and used solely for the purpose of this litigation.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of May, 2016.

/s/ J. Garvan Murtha
Hon. J. Garvan Murtha
United States District Judge