

Served with a Search Warrant

The Child Protection Worker must follow the process for releasing information in a child or youth's file when served with a search warrant.

REFERENCE

Department of Health and Social Services Policy

PURPOSE

- To outline the process for the release of information in a Child and Family Services file when served with a search warrant from a peace officer and/or police officer.
- To ensure an orderly and appropriate response to search warrants.

PROCEDURES

1. Inform the Supervisor and legal counsel immediately when served with a search warrant to provide information from a Child and Family Services file.
2. Read the search warrant carefully to ensure that it:
 - is addressed to the Director of Child and Family Services and/or the Child Protection Worker;
 - has been served at the correct address; and
 - is valid.
3. Photocopy the search warrant and place the copy on the child or youth's file.
4. E-mail a copy of the search warrant immediately to the Director of Child and Family Services and forward the original through registered mail.
5. Determine what material is required by the warrant.
6. Document on the child or youth's file the time and day the warrant was received, when it was sent to the Director and the date which the information is to be presented.

7. Make a copy of the materials being provided to the court.
8. Place the original materials in a sealed envelope and write the following on the envelope:

"These materials are being provided in order to comply with a search warrant. This envelope is not to be opened. A court application will be made forthwith in order to determine whether these materials need to be disclosed."

9. Seal the envelope securely and provide it to legal counsel.

Note:

The Director's legal counsel will make a court application, similar to being served with a subpoena, in order that a judge can determine if the materials must be opened. The test is whether the need to disclose the information outweighs the public policy that the Director's files remain confidential.

FORMS

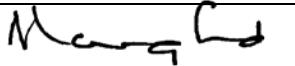
- None

TOOLS

- Search Warrants

COURT DOCUMENTS

- Warrant to Search

Effective Date: April 1, 2016	Director of Child and Family Services	
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