

Served with a Subpoena

The Child Protection Worker must release information on a child or youth protection matter when served with a subpoena.

REFERENCE

NWT Child and Family Services Act Sections 71(2), 74

PURPOSE

- To ensure an orderly and appropriate response to a subpoena.

PROCEDURES

1. Inform the Supervisor and legal counsel immediately when served with a subpoena to produce information from a Child and Family Services file, give evidence in court or both.
2. Read the subpoena 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 subpoena and place the copy on the child or youth's file.
4. E-mail a copy of the subpoena immediately to the Director of Child and Family Services and forward the original through registered mail.
5. Determine what materials and/or evidence is required.
6. Document on the child or youth's file the time and date that the subpoena was received, when it was sent to the Director and the date which the information is to be presented.
7. Discuss the request outlined in the subpoena with the Supervisor and legal counsel to determine whether you should testify.

8. Determine how information will be shared, orally during court or by submission of a hard copy.
9. Make a copy of the materials and/or evidence being requested by the court for the child or youth's file.
10. Place the original materials and/or evidence in a sealed envelope for the judge's review.
11. Forward the file to the Records Management Coordinator at the Department for disclosure, if the judge determines that some materials and/or evidence must be disclosed.
12. Place the severed file in a sealed envelope and provide it to legal counsel.

Note:

These documents may or may not be required to be produced in court. Generally, the files are confidential, and are never divulged unless otherwise authorized or required to do so. If someone seeks to use them in court proceedings, the judge will determine if the need to disclose the information outweighs the public policy that the records remain confidential.

TOOLS

- None

TOOLS

- Subpoenas

COURT DOCUMENTS

- Subpoena to a Witness