

## **THE COUNSELING SOURCE, INC. POLICY AND PROCEDURE**

TITLE: Responding to a subpoena

PURPOSE: To outline the process by which The Counseling Source (TCS) employees respond to a subpoena.

PROCEDURE:

1. Staff who receive a subpoena for a court appearance or the production of documents will promptly deliver it to the TCS office by FAX, electronic communication, or other methods.
2. Contact should be made with the Executive Director to arrange for the subpoena to be submitted to TCS attorney for review.
3. Staff will then communicate with the identified TCS attorney handling the subpoena for guidance on how to proceed with the subpoena.
4. Do not produce any documents that contain confidential communications received from a client or the counselor's advice to that client without first consulting with TCS attorney.  
**Note: a parent's execution of a release pertaining to a minor child does NOT authorize waiver of this privilege—only the minor child can authorize the release of privileged information.**
5. If possible, the TCS attorney can assist staff in communicating with the court or individual who has delivered the subpoena and either seek to quash the subpoena or arrange for other methods of communication such as sending treatment records in lieu of staff appearing in court.
6. Staff should never take it upon themselves to speak with the attorney or other person who requests communication without first having contacted the Executive Director or the assigned TCS attorney.

Reviewed April 2018