

IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS
NORTHERN DISTRICT - JUVENILE DIVISION

ARKANSAS DEPARTMENT OF HUMAN SERVICES

PLAINTIFF

VS.

NO. 42PJV-2017- 8

DEFENDANT

JUVENILE

RESPONDENT

PETITION FOR EMERGENCY CUSTODY AND DEPENDENCY-NEGLECT

The Arkansas Department of Human Services, through its attorney, and for this Petition, states:

1. The Plaintiff, Arkansas Department of Human Services, brings this action pursuant to the Arkansas Juvenile Code (codified at Ark. Code Ann. §9-27-301 et seq.) and the doctrine of parens patriae and public guardianship of infants as a class.

2. The above named juvenile presently resides in the custody of the Arkansas Department of Human Services, a 72 hour hold having been taken on March 6, 2017.

3. [redacted] is the mother of the above named juvenile and resides [redacted]

4. [redacted] has been identified as the putative father of the herein [redacted]

5. The following persons, agencies, or institutions have a claim to custody, visitation, or guardianship of the juvenile: None Known.

FILED
Date 3-8-2017 Time 1:52

Elaine Robertson

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enter an Order requiring the parents to pay a reasonable sum as child support. The Office of Child Support Enforcement should be able to intervene in this matter, as needed to enforce and collect any child support order issued by this Court.

12. Any child support or other monies, excluding federal benefits, paid for the benefit of the juvenile should be redirected to the Plaintiff for said juvenile by this Court.

13. The Court should determine when the Division of Children and Family Services of the Arkansas Department of Human Services can obtain and disclose protected health information (PHI) and psychotherapy notes as those terms are defined by the Health Insurance Portability and Accountability Act.

14. Following the conclusion of this litigation, all copies of any PHI and psychotherapy notes disclosed by the Department pursuant to this case to entities other than the Court should be either returned to the Department or destroyed in accordance with the requirements of 45 CFR §164.512(e). The parties receiving such PHI and psychotherapy notes should be ordered not to further use or disclose the information for any purpose other than this litigation as mandated by 45 CFR §164.512(e).

15. The Court should also order that any mental health provider for any of the adult parties or juvenile herein who may be subpoenaed, or who may be requested by the Department to submit a report for the Court, should be authorized and directed to disclose to the Department and/or the Court any and all PHI and psychotherapy notes in their records regarding counseling or other treatment of the parents and/or juvenile herein. Such PHI and psychotherapy notes may only be further disclosed as set forth by the Court or as may be allowed by relevant laws and consents.

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**ORDER TO OBTAIN AND DISCLOSE
PROTECTED HEALTH INFORMATION**

On this 8th day of March, 2017, the above entitled cause of action comes on to be heard.

1. The Court orders any provider of medical services defined herein as, hospitals, physicians, psychologists, or other medical or mental health provider including all substance abuse treatment facilities as that term is defined under 42 CFR Chapter 1, Part 2 to provide, as well as orally disclose, all medical and mental health records, including Protected Health Information (PHI) as that term is defined in the Health Insurance Portability and Accountability Act for the following: juveniles, mother, father or putative father, and/or guardian/custodian named above as defendants for the time period of March 4, 2017 until closure of the case.

2. These records shall be provided to the Division of Children and Family Services (DCFS) and County Legal Operations (CLO) of the Arkansas Department of Human Services; Attorney Ad Litem; CASA; and the University of Arkansas School for Medical Sciences (UAMS) Project for Adolescent and Child Evaluations (PACE) Program.

FILED
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