

In the Superior Court of the State of Delaware

In and For Kent County

State of Delaware <hr/> <p style="text-align: center;">v</p> <hr/> <p style="text-align: center;">Defendant</p>	CRA Number(s) ID #: _____ DOB: _____ SBI #: _____
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Veterans Treatment Court Information Sharing Order

AND NOW, this 23rd day of March, A.D., 2015,

having determined that the above-captioned defendant is an offender within the custody of the Department of Correction either as an incarcerated individual or being supervised in the community; and

WHEREAS, this defendant has voluntarily agreed to participate in the Veterans Treatment Court, whose mission is to assist justice-involved individuals in addressing their mental health needs through treatment and supervision in an effort to improve mental health, promote self sufficiency, reduce recidivism, and protect the public.

WHEREAS, this Court may impose interim orders, or modify the sentence and conditions of probation arising out of the above-captioned criminal matter; and

WHEREAS, it may be necessary to evaluate the Defendant’s protected healthcare information, educational, vocational rehabilitation, and correctional records in order to properly adjudicate this matter;

IT IS HEREBY ORDERED that upon presentation of this Order to any State of Delaware agency, hospital, school, organization, division or department of the State, doctor, nurse or other health care provider, treatment facility, psychologist, psychiatrist, police department, mental health clinic, drug or alcohol treatment provider, such agency shall permit the inspection and/or copying of any records, whether in electronic format or otherwise, relating to the above-captioned Defendant, without the consent of the Defendant.

1. Substance abuse treatment records shall be released pursuant to 42 U.S.C. § 290dd-2 and 42 C.F.R. § 2.61, et seq. because the Court has determined that good cause exists. Other ways of obtaining this information are not available or would not be effective; and the public interest for disclosure outweighs potential injury.
2. Said records are needed for the purpose to assessing the propriety of this offender’s criminal sentence, the offender’s likelihood of re-offense, relapse, and the offender’s ability to comply with the conditions of said criminal sentence.
3. In the matter at hand, the need for disclosure outlined above outweighs any potential injury to the patient, or physician/patient relationship, and to treatment services because such disclosures are strictly limited

to the Court and parties and may not be distributed to any other individual without express written consent of this Court.

This Order complies with 34 *CFR* § 99.31(a)(9)(permitting court ordered disclosure of educational records otherwise protected under FERPA); 34 *CFR* § 361.38(e)(4)(requiring the release of personal information relating to vocational rehabilitation pursuant to a court order); and 45 *CFR* § 164.512(e)(i)(permitting disclosure of HIPAA protected healthcare information in response to an order of the court). Further, this is a court order to produce correctional records pursuant to and consistent with the purposes set forth at 11 *Del. C.* §4322(a) and protected health information pursuant to 16 *Del. C.* § 1232(d)(5). This Order is specifically limited to the purposes set forth herein. Secondary disclosures are prohibited without written leave of Court.

The authority to receive documents and other records shall be strictly limited to the following individuals:

This order shall remain in full force and effect until further order of the Court. Unless otherwise ordered by the Court, this order shall terminate automatically at the expiration of the Defendant's criminal sentence.

Judge

cc: Original- Prothonotary File

VTC FORM 2 12/10/2012 (Revised 05/20/2014)

