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Care 4 Kids Program  
PROGRAM OPERATIONS TRANSMITTAL



DIVISION OF FAMILY SERVICES-CHILD CARE TEAM

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Transmittal Number: C4K-OPS-03-04

Date: April 8, 2003

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**To:** Lou Gettis, Program Director  
Care 4 Kids

**From:** Peter Palermino, Program Manager  
Department of Social Services

**cc:** Program Operations Distribution List

**Subject:** Subpoenas

**Program Issue:** From time to time, a Care 4 Kids employee can expect to be served with a subpoena for the production of information or records about a family, a provider or in some cases, for the appearance as a witness in a civil or criminal dispute. While the individual served is legally responsible for responding to the subpoena, the rights of parents and child care providers to have certain information treated confidentially must be protected. This transmittal provides guidance for responding subpoenas issued to the Care 4 Kids program or its program operator - ACS.

**Background:** A subpoena may be issued by a commissioner of superior court (an attorney), a hearing officer or a presiding officer, certain state or federal offices and the court. Historically, most subpoenas served upon Care 4 Kids are issued by an attorney who is representing a party in a civil case or dispute, often the provider or the non-custodial parent of the child who received assistance. The subpoena will identify the party who is being served, the information requested, and the deadline for providing the information. The subpoena may also include an order to appear in person at a designated place and time.

The party named on the subpoena is responsible for responding to the subpoena. If DSS is named, the Child Care Team (CCT) will take responsibility for coordinating the response. If the subpoena names ACS or "The Keeper of Records - Care 4 Kids Program," ACS must respond. The CCT will work with ACS to assure that confidential information is safeguarded pursuant to the regulations.

**Procedures:**

1. Immediately notify the Child Care Team (CC Team) when a subpoena has been served and fax a copy of the subpoena to the CC Team. The CC Team will review the subpoena and offer guidance on how to proceed.
2. Contact the person who issued the subpoena for more details about the request, including who the person represents and specifics about the information requested. The discussion may help to narrow the

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scope of the material that must be compiled. Frequently, there is only a brief period between the date the subpoena is served and the compliance date. The call may provide an opportunity to negotiate a more reasonable time frame within which to respond. It has also been our experience that most orders to appear can be avoided.

3. Determine if the information requested can be released using the guidelines established in subsection (d) of section 17b-749-02 of the CCAP program regulations. Consult with DSS if there are any questions. If the information is protected, contact the person who issued the subpoena and inform the individual that state law does not permit Care 4 Kids to release such information. Remember that even an acknowledgement that a parent applied for or received assistance may represent a breach of confidentiality. For example, an attorney representing the non-custodial parent is not entitled to know if the other parent applied for, or received benefits from Care 4 Kids without a waiver. Document the records and follow the telephone call up with a formal letter.

It should be noted that certain information concerning payments made by DSS to vendors is considered public information. Care 4 Kids can verify the amounts and dates of payment issued to a provider and the number of children in care. However, personal information about the parent, children or provider must not be released outside the scope of the regulations.

4. Determine the next step based on the conversation in step 3. The individual may agree to modify the request, withdraw or issue a new subpoena or require a Care 4 Kids representative to appear in person to testify that the information can not be released.

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