

In the 98th District Court, Travis County Texas

**ORDER FOR DISCOVERY, DISCLOSURE AND PROTECTION OF CRIMINAL HISTORY
AND/OR JUVENILE HISTORY RECORD INFORMATION AND MEDICAL RECORDS
COVERED BY HIPAA**

The judge of the above-referenced court in Travis County, Texas enters the following order to facilitate the exchange and disclosure of discoverable information in the possession of the State of Texas pursuant to Article 39.14 of the Texas Code of Criminal Procedure (hereinafter referred to as “Article 39.14”). This order applies only to juvenile cases filed in Travis County, Texas.

CRIMINAL/JUVENILE HISTORY RECORD INFORMATION

In order to ensure compliance with Section 411.084 of the Texas Government Code, the above-referenced court hereby orders the Travis County District Attorney (hereinafter referred to as the “District Attorney”) to disclose the criminal history and/or juvenile history record information of respondent in the juvenile cases filed in the above-referenced court, and any criminal and/or juvenile history record information of witnesses as required under Article 39.14(h) to the attorney of record for the respondent in the case pertaining to the file, or a designated respondent participant. The above-referenced court further orders that defense attorneys receiving or using the information obtained pursuant to this order shall comply with the provisions of Chapter 411 of the Texas Government Code and Article 39.14 relating to the use and dissemination of criminal history record information, and shall refrain from conduct that would constitute a violation of Section 411.085 of the Government Code. Nothing in this order requires the Travis County District Attorney to conduct further investigation or inquiry into criminal and/or juvenile history record information unless further ordered by the above-referenced court or otherwise required by law.

PROTECTED HEALTH INFORMATION COVERED BY HIPAA

In order to ensure compliance with the Health Insurance Portability and Accountability Act (hereinafter referred to as “HIPAA”) and the related privacy regulations found in the Code of Federal Regulations, the above-referenced court hereby orders the District Attorney to disclose protected health information related to juvenile cases filed in the above-referenced court, whether of the respondents or any witnesses, in accordance with Article 39.14, to the attorney of record for the respondent in the case pertaining to the file, or a designated defense participant. The above-referenced court further orders that defense attorneys receiving or using the information obtained by this order shall comply with the provisions of HIPAA, the related privacy rules, the Texas Medical Records Privacy Act, and Article 39.14, regarding the use and dissemination of protected health information. Nothing in this order requires the District Attorney to conduct further investigation or inquiry into protected health information unless further ordered by the above-referenced court or otherwise required by law.

If an attorney needs to obtain medical records from a medical provider pursuant to a subpoena duces tecum, the attorney may obtain a qualified protective order to protect the information disclosed in response to the subpoena duces tecum without a motion, hearing or notice to opposing counsel. The attorney seeking the qualified protective order should submit the proposed order, along with the subpoena, to the Court

Administration Office of the Juvenile Probation Department. A clerk from Court Administration will obtain the judge's signature. An example of an acceptable qualified protective order is attached.

Signed on this the 26 day of September, 2018.


RHONDA HURLEY
Judge, 98th District Court
Travis County, Texas