

NOTICE OF A HEARING REGARDING THE RELEASE OF RECORDS

DOCKET NUMBER

Trial Court of Massachusetts The Superior Court



CASE NAME:

VS.

Clerk of Courts

County

NOTICE TO:

COURT NAME & ADDRESS

third-party subject: _____

keeper of records: _____

TO:

name of third-party subject

name of keeper of the records

address

address

address

address

city, state, zip code

city, state, zip code

The defendant in this case has filed a motion with the Court to be allowed to inspect the records of

_____ for the dates from
(third-party subject)

_____ to
(date range)

made by _____
(name and professional title of caregiver or other person/entity that created the records, if known)

that are being held by _____
(name and address of keeper of records)

For use in criminal, youthful offender, or delinquency cases whenever a defendant seeks pretrial inspection of a third party's records that are likely to be covered by a statutory privilege. Use a separate form for each keeper of records and each third-party subject.

THE COURT HAS ORDERED THE PROSECUTING ATTORNEY'S OFFICE TO NOTIFY YOU THAT A HEARING ON THE ATTACHED MOTION HAS BEEN SCHEDULED FOR

_____ in courtroom _____ of the _____ courthouse,
date _____ time _____

which is located at: _____ .

At the hearing, the judge will decide if the records are privileged and if they are relevant to the case against the defendant. Under the law, certain records (e.g., psychiatric or other counseling records) may be confidential, or "privileged." The purpose of the hearing is to determine whether the judge will order the records to be sent to Court for the defendant's lawyer to inspect. If the judge allows the defendant's motion, the Court will make privileged records available only to defense counsel, pending further order of the Court, except for limited disclosures to support staff and to other attorneys for purpose of consultation as described in the Protective Order that counsel will be required to sign before reviewing the records.

If the records are privileged under the law, the Court will assume that you do not wish to give up (waive) any privilege at this time, unless you provide (or have provided) a written waiver before or at the hearing. Your absence from the hearing will not constitute a waiver of any privilege you may have under the law.

You have the right to attend the hearing. You can take part in the hearing yourself or you may (but need not) obtain a lawyer to represent you. Victims have the right to talk to the prosecuting attorney before the hearing.

THE HEARING WILL BE YOUR ONLY OPPORTUNITY TO ADDRESS THE COURT REGARDING THE RELEASE OF THESE RECORDS.

Date

Signature of Assistant District Attorney/Assistant Attorney General

If you have any questions about this notice, you may contact _____
(name of prosecutor or advocate)

at _____ at telephone number _____ .