

**STIPULATION OF THE PARTIES AS  
TO DISCOVERY AND ADMISSIBILITY  
OF FAMILY TREATMENT  
COURT RECORDS**

IN THE MATTER OF

Massachusetts Trial Court  
Juvenile Court Department



DOCKET NO. (To Be Completed by Court Only)

DIVISION:

The parties to the above-captioned matter stipulate as to the following regarding discoverability of PATHS Family Treatment Court records in any related litigation, including the Care and Protection case. More specifically, the parties agree that:

1. A Participant's substance use screen records, including call in, attendance and result history are discoverable in a Care and Protection case. Such records are admissible only to the extent allowable by the rules of evidence and applicable caselaw.
2. A Participant, with advice of counsel, may decide to introduce elements of their Family Treatment Court record in a Care and Protection. Doing so will waive the prohibition against discoverability of their Family Treatment Court information in the Care and Protection case. Notice of such intention must be made in writing and include an acknowledgement of the waiver of the prohibition against discovery.
3. If a Participant takes no affirmative action, the only discoverable element from their Family Treatment Court engagement is the Juvenile Court Probation Department record of their substance use screens, which includes call in, attendance and result history.
4. If any person or entity seeks discovery of Family Treatment Court records in a court case outside of the Juvenile Court, the standards articulated in *Care and Protection of M.C.*, 479 Mass. 246 (2018), shall be applied by the judge assigned to the case at the time the motion for access is filed.
5. The admissibility of any item discovered pursuant to a Participant's waiver of the Family Treatment Court prohibition against discovery is subject to the rules of evidence and relevant caselaw.
6. The admissibility of substance use screening records is subject to the rules of evidence and relevant case law.
7. Neither the Family Treatment Court Coordinator nor Family Treatment Court Clinician will be subject to subpoena or be required to testify.
8. A Participant subject to direct or cross examination in a Care and Protection case may be asked about topics related to Family Treatment Court, but not cross-examined or impeached using specific information obtainable only from the Family Treatment Court, unless they have specifically waived the protection from discoverability, or the information is available from a source other than the Family Treatment Court.
9. A copy of this Stipulation shall be filed in the Family Treatment Court case.

DATE

ATTORNEY FOR:

ATTORNEY'S SIGNATURE

DATE

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ATTORNEY'S SIGNATURE

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