


Amy Eddy
Robert B. Allison
Heidi J. Ulbricht
Dan Wilson
Danni Coffman
District Judges, Department 1, 2, 3, 4 & 5
Flathead County Justice Center
920 South Main Street, Suite 310
Kalispell, MT 59901
Telephone: (406) 758-5906

CLERK OF DISTRICT COURT
2023 JAN 25 PM 4:25
FILED
BY _____ 
DEPUTY

IN THE ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY, MONTANA
IN RE ELEVENTH JUDICIAL DISTRICT)
COURT RULES OF PRACTICE) STANDING ORDER RE SUBPOENA OF
) FAMILY COURT SERVICES'
) PERSONNEL AND CONFIDENTIAL
RECORDS

THE JUDGES OF THIS DISTRICT MAKE THE FOLLOWING FINDINGS AND ORDER:

1. Family Court Services (FCS) is a division of the Montana Eleventh Judicial District Court.
2. FCS renders service to the Courts within this District, when appointed by a Court, by conducting inquiries, gathering information and records, and preparing confidential reports to the Court, along with parenting recommendations in dissolution of marriage and parenting actions.
3. FCS routinely gathers privileged and confidential personal and medical information of parties to dissolution of marriage and parenting actions, along with gathering privileged and confidential person and medical information of interested family members and third parties to such actions.
4. From such privileged and confidential information, FCS prepares and submits confidential reports to this Court. From its analysis of such privileged and confidential information, the personnel of FCS render opinions concerning the best interests of children who are the subject of dissolution of marriage and parenting actions. These activities constitute the core functions of FCS.
5. Due to funding and other constraints, FCS operates in a nearly perpetual state of less than adequate resources. To maximize the benefit of FCS's inquiries and reports both to this District and to parties FCS is directly appointed to serve, it is critical that resources of FCS be used primarily for carrying out FCS's core functions.

6. It has become common practice for persons who are not parties to parenting or dissolutions of marriage actions in which FCS has been appointed to render services, to demand production of records which may have been gathered by FCS by serving a subpoena duces tecum upon FCS.
7. Production of documents and records pursuant to such subpoenas duces tecum would have FCS producing confidential and privileged personal and medical records of persons whose privacy FCS has a duty to protect.
8. FCS lacks the resources to challenge, appropriately and necessarily, such subpoenas duces tecum by securing legal representation and participating in litigation in actions in which FCS has not been appointed to render services, to ensure that FCS produces only those records which may be produced without violating the privacy rights or interests of persons who have not consented to the release of their privileged and confidential information. FCS's compliance with subpoenas duces tecum constitutes an undue burden for FCS.
9. Further, it has become common practice for persons who are not parties to parenting or dissolution of marriage actions in which FCS has been appointed to render services to demand the appearance and testimony of personnel of FCS at hearings in actions in which FCS has not been appointed to render services. FCS does not have adequate resources to make its personnel available to testify at such hearings. FCS was not established, and it is not maintained at taxpayer expense to provide litigating actions in which FCS has not been appointed to render services. Compliance with such subpoenas by FCS personnel constitutes an undue burden.
10. This Court has a compelling and overriding interest in preserving the resources of FCS to maximize its primary function to render services to this Court and to the parties in actions in which FCS has been appointed by a Court in this District.

ORDER

THEREFORE, any subpoena or subpoena duces tecum served upon Family Court Services or its agents is subject to an order by any Judge in this District summarily quashing such subpoena or subpoena duces tecum, unless the party has first sought and has been granted leave, upon good cause shown, for issuance of the same.

SO ORDERED.

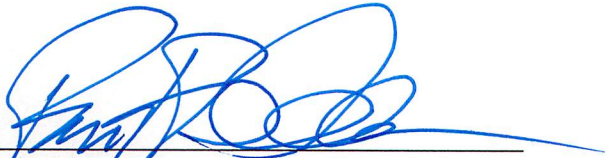
DATED this 25TH day of January, 2023.



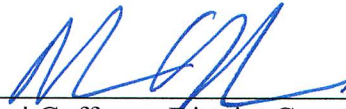
Amy Eddy, District Court Judge



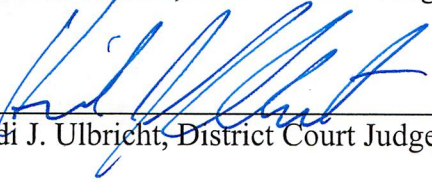
Dan Wilson, District Court Judge



Robert B. Allison, District Court Judge



Danni Coffman, District Court Judge



Heidi J. Ulbricht, District Court Judge