

When in a court hearing or deposition and are asked to provide confidential information which you are not authorized to disclose, you should read the following:

“It is my belief that providing requested information may be in violation of Iowa Code Sections **217.30** and **235A.15** unless the information is necessary to resolve an issue which is relevant to this court proceeding. By providing the requested information without proper authorization, I may be liable for civil remedies or criminal penalties as provided in Iowa Code Sections **217.30(8)**, **217.31**, **235A.20** and **235A.21**.

I will provide the requested testimony only if the judge indicates that the testimony is necessary to this proceeding and directs me to testify.”

Legal References:

Iowa Code; 228.2 Mental Health Information
45 CFR 164.500 et seq (HIPAA – health information) 42 CFR 431.233 Medicaid

Requests for Legal consult should be made via the CPS Service Help Desk at 866-347-7782 or servicehelp@hhs.iowa.gov

If during a court hearing and you find it necessary to consult with your supervisor, read the following:

“Excuse me your honor, I would like to request a recess to consult with my supervisor.”

If during a court hearing and you believe the county attorney is not representing HHS or providing HHS’s position to the court read the following:

“Excuse me your honor, this hearing is progressing in a way that is contrary to my understanding of how things would proceed. I would like to request a recess and possibly a continuance to consult legal counsel.”

If during a hearing, you are asked your personal opinion about the case read the following:

“It is my professional responsibility to present the Department’s position, not my personal opinion, which may or may not be the same.”

If ordered by the court to give your personal opinion you shall comply.