

Guidance:

1. Send this via U.S. mail and email address to the attorney who has sent you the records request.
2. Paragraph 1 requires you to correctly identify the specific demand for records, i.e., subpoena (which can be civil or criminal case); request for production of documents to a non-party (which is a civil case); letter; Open Records request, etc.
3. Always cc: the assistant prosecuting attorney, whether the case is civil, criminal, or abuse and neglect, if there is an assigned assistant prosecuting attorney.
4. You will cc: BY EMAIL the OPPOSING COUNSEL in a civil case or an abuse and neglect case when you know who that person is. If you don't know who that person is based upon the information that you have received, you will only cc: BY EMAIL the APA assigned to a pending criminal case.
5. This is obvious, but all **"NOTES" and bold-faced inserts** are for directors only to review, and should not be sent as part of the standard letter.

Via Regular U.S. Mail and  
j.doe@lawfirm.com

John Doe, Esq.  
Doe & Doe Attorneys  
1212 Main Street  
Liberty, WV 30000

Re: Name of Case, (Circuit, Family, Magistrate) Court of \_\_\_\_\_ County  
Case No. (xxxx)

Dear Mr./Ms. \_\_\_\_\_

We are in receipt of your (subpoena)(request for production of documents to a non-party)(letter)(open records request) seeking certain forensic materials that may be in the possession of the (ABC CAC).

As you may be aware, the (ABC CAC) is a child advocacy center which, generally, may possess information protected and deemed confidential by §62-6B-2(6) and 62-6B-6(a). §62-6B-6 includes strict requirements regarding the release of information that may be in possession of (ABC CAC). Your (subpoena)(request for production of documents to a non-party)(letter)(open records request) served directly upon a CAC is not the proper tool to attempt to obtain confidential forensic records that may be in (ABC CAC's) possession, and is therefore ineffective.

The West Virginia Supreme Court of Appeals created a new procedure, which became effective November 1, 2017, to obtain these confidential forensic materials. It can be found at Trial Court Rule 18. The service of a subpoena on (ABC CAC) must be accompanied contemporaneously with your motion to the Court for release of records, and the motion must be served on all parties to the case, including the prosecuting attorney where the proceeding is pending.

In the meantime, pursuant to Trial Court Rule 18, (ABC CAC) will await the Court's order instructing us to release the records.

Sincerely,

(CAC Director)  
(ABC CAC)

Cc: Jane Doe, Assistant Prosecuting Attorney, \_\_\_\_\_ Judicial Circuit (via email only)  
John Doe, Esq. (via email only)\*\*

**\*\* You will cc: the opposing attorney in a civil case or a juvenile case (i.e., the attorney who DID NOT serve the records demand in the case) if you know who that opposing attorney is.)**