

Provisions for Trial Court Rule 18 Protective Order

1. This protective order is entered pursuant to Trial Court Rule 18 and West Virginia Code § 62-6B-6.
2. This protective order governs the maintenance, disclosure, and use of any recorded interview of a child for purposes related to a criminal investigation or allegations of abuse or neglect of a child.
3. For the purposes of this protective order, the term "recorded interview" shall include the electronic recording itself, any transcript of the recording or any written documentation related to the interview.
4. Any counsel, guardian *ad litem* or other official who discloses a copy of a recorded interview, any transcript or related documentation shall mark them as follows: "Confidential-Penalties for Unauthorized Disclosure or Duplication."
5. Counsel for any party, the guardian *ad litem* and their employees who may assist counsel may receive duplications of a recorded interview, but may only use the duplications for the purposes of the case and only to the extent allowed by this protective order.
6. Unless allowed by separate court order, counsel for any party, the guardian *ad litem* or other official in lawful possession of a recorded interview may not provide duplicates of any recorded interview, as defined above, to a party or any other individual. However, counsel or the guardian *ad litem* may allow a party to the case to review a recorded interview under the supervision of counsel, the guardian *ad litem* or their designated staff members.
7. If a party is not represented by counsel, the party may review the recorded interview, transcript or written documentation under the supervision of designated court staff.
8. Unless allowed by court order, counsel for any party or the guardian *ad litem* may not display or disclose recordings, transcripts or related documentation to non-party family members of the defendant, respondent, petitioner, victim or any other individual.
9. The recording, transcripts or other documentation may not be disclosed to consultants, investigators and experts who are engaged to assist counsel in the proceedings until he or she has signed a written agreement to be bound by the terms of the protective order and the agreement has been filed with the court.

10. Counsel and guardians *ad litem* must take reasonable and appropriate measures to prevent unauthorized access to or use of the recorded interview, any transcripts or related documentation.
11. Any party or counsel who seeks to file a recorded interview as an exhibit to a pleading or who discusses the recorded interview in a pleading shall first seek to protect the confidentiality of the information by taking appropriate measures, including but not limited to arranging for filing the recorded interview, any transcript, related documentation or the pleading under seal.
12. Any party or attorney who seeks to use a recorded interview at a deposition shall have the obligation and right to designate the recorded interview as confidential and subject to the provisions of this protective order.
13. Any party who intends to use a recorded interview, transcript or related documentation at a hearing or trial shall provide prior notice to the court of his or her intention to do so.
14. Any person who knowingly and willfully duplicates or publishes a recorded interview in violation of this protective order may be subject to criminal proceedings which can result in incarceration of not less than 10 days nor more than one year or fined not less than \$2,000 nor more than \$10,000 or both.
15. A person who violates this order may be subject to contempt of court proceedings.