BENJAMIN R. ALDANA (16769)

UTAH COUNTY PUBLIC DEFENDER ASSOCIATION

Attorney for Defendant

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| IN THE FOURTH JUDICIAL DISTRICT COURT  UTAH COUNTY, STATE OF UTAH | |
| STATE OF UTAH,  Plaintiff,  v.  JANE DOE,  Defendant. | ORDER DIRECTING DCFS TO  PROVIDE RECORDS TO  DEFENSE COUNSEL  Case No. 000000000  Judge XXXXX |

This matter came before the Court on August 5, 2021, via Webex, for a hearing on Defendant’s Motion for Court Order to Obtain DCFS Records Pursuant to GRAMA, requesting that the Court order the Division of Child and Family Services (“DCFS”) to provide certain records to Defendant.

Defendant was represented at the hearing by her attorney, Benjamin R. Aldana, from the Utah County Public Defender Association. DCFS was represented by XXXXXX, Assistant Attorney General.

The Court, after reviewing the briefing submitted by Defendant and DCFS, and hearing and considering the arguments presented by the attorneys at the hearing on August 5, 2021, now ORDERS, pursuant to Utah Code § 63G-2-202(7), as follows:

1. DCFS shall provide the following records/items/information to Defendant’s attorney, Benjamin R. Aldana, on or before August 16, 2021:

Copies of any and all records related to DCFS referral/case number 0000000, including but not limited to: reports, caseworker notes, and any other document(s) prepared for or received in conjunction with DCFS referral/case number 0000000.

1. DCFS may redact the name(s) and address(es) of the referent(s) listed in the records/items/information listed in paragraph (1) of this Order. DCFS also may redact other specific information (e.g., telephone numbers, etc.) that is within the records/items/information which could identify the referent(s).
2. DCFS may also redact communication(s) between DCFS and the Attorney General’s Office contained in the records/items/information listed in paragraph (1) of this Order, if those communications contain information which constitutes legal advice to DCFS from the Attorney General’s Office. If any information is redacted pursuant to this paragraph (3) of this Order, DCFS shall provide a privilege log to Defendant’s attorney, Benjamin R. Aldana, identifying the specific privilege claimed with respect to the redacted information and a general description of the redacted information.
3. DCFS is also permitted to redact other information contained in the records/items/information listed in paragraph (1) of this Order that it deems to be protected by a privilege, or that is private or protected information related to individual(s) other than the Defendant or the Alleged Victim. But if any information is redacted pursuant to this paragraph (4) of this Order, DCFS shall provide a log to Defendant’s attorney, Benjamin R. Aldana, identifying the specific privilege or other protection claimed with respect to the redacted information and a general description of the redacted information.
4. The records/items/information listed in paragraph (1) of this Order shall be delivered to:

Benjamin R. Aldana

Utah County Public Defender Association

180 North University Ave. Suite 140

Provo, UT 84601

Email: bena@utcpd.com

1. Pursuant to § 63G-2-202(7)(a)-(d):
2. The records/items/information listed in paragraph (1) of this Order pertain to the allegations made against Defendant in the above-entitled matter, over which this Court has jurisdiction;
3. The Court has considered the merits of the request for access to the records/items/information listed in paragraph (1) of this Order, which are: (i) that the requested records/items/information pertain directly to the underlying facts/allegations made against the Defendant in this case; and (ii) that the Defendant has the right to have her attorney fully investigate the underlying facts/allegations made against her in order to ensure that the Defendant is afforded a fair trial in this case;
4. The Court has limited the requester’s use and further disclosure of the records/items/information listed in paragraph (1) of this Order, *see* paragraph (7) below; and
5. The Court finds that the interests favoring access to the records/items/information listed in paragraph (1) of this Order, namely, that the Defendant in this matter has the right to a constitutionally adequate defense, are greater than or equal to the interests favoring restriction of access.
6. The records disclosed pursuant to this Order shall not be released or disseminated, except as herein ordered, without further order of the Court. *See* § 63G-2-202(7)(c).

Order approved as to form by:

*/s/*

Assistant Attorney General

Counsel for DCFS

(electronically signed by Benjamin R. Aldana on August \_\_\_, 2021

with permission from XXXXXX)

*/s/ Benjamin R. Aldana*

Benjamin R. Aldana

Attorney for Defendant

\*\*\*\*END OF ORDER – SIGNATURE/DATE AT TOP OF FIRST PAGE\*\*\*\*

CERTIFICATE OF SERVICE

Via the court’s electronic filing system a copy of the foregoing was sent to the Utah County Attorney’s Office, this 5th day of August, 2021.

Additionally, the following individual was served by email:

Assistant Attorney General

Counsel for DCFS

*/s/ Benjamin R. Aldana*