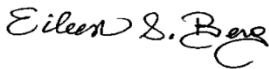
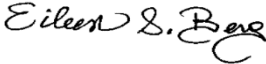


# POLICY & PROCEDURE

## TITLE: Subpoenas

<b>APPROVAL DATE OF CORPORATE COMPLIANCE COMMITTEE:</b> 04/26/2024	<b>SIGNATURE OF CORPORATE COMPLIANCE COMMITTEE CHAIR:</b> 
<b>APPROVAL DATE OF POLICY REVIEW COMMITTEE:</b> 04/26/2024	<b>EFFECTIVE/IMPLEMENTATION DATE:</b> 04/26/2024
<b>SIGNATURE OF POLICY REVIEW COMMITTEE CHAIR:</b> 	

## **BACKGROUND, PURPOSE & RATIONALE:**

A subpoena is an official demand for testimony or the disclosure of documents or other information. They may originate from law enforcement, litigation and/or administrative or governmental agencies. Every subpoena requires a careful review prior to response. In view of this and the serious legal implications of the receipt of a subpoena, Birch Family Services, (herein referred to as Birch or the Corporation) has established standing policies and procedures to review any subpoena immediately and coordinate the Corporation's response.

## **POLICY STATEMENT:**

It is the policy of Birch to comply with any lawful subpoena. Employees will remain courteous and professional when dealing with agents delivering a subpoena. No one is to impede in any way efforts to deliver a subpoena.

## **PROCEDURES:**

1. Employees will remain courteous and professional when dealing with agents delivering a subpoena. No one is to impede in any way efforts to deliver a subpoena.
2. If delivered in person, employees should only provide the agent with direction or information so they may deliver the subpoena to the appropriate or requested individual. Employees should not volunteer information to an agent or submit to any form of questioning or interviewing.
3. If delivered in person, the employee should alert the Manager or Program Administrator, who should, if possible, be the staff person served. In any event, the staff person served should obtain information from the serving agent including the full name, title, and if possible, the telephone number of the serving agent and/or any other information provided by the agent.
4. The Manager or Program Administrator must immediately be notified and be provided with any information obtained during the service of the subpoena.
5. If received by mail, it should be opened on the day of receipt. The Manager or Program Administrator must immediately be notified and provided with the subpoena.

## **POLICY & PROCEDURE**

### **TITLE: Subpoenas**

6. The Manager or Program Administrator will immediately contact the Compliance Officer and scan the subpoena to the Compliance Officer for review. The original subpoena should subsequently be sent to the Compliance Officer as soon as possible.
7. The Compliance Officer will review and determine the nature of the subpoena:
  - a. A request for records of a Birch student or person receiving services and supported by Birch: The Compliance Officer will follow the Request for Documents Process and coordinate such with the Program Manager and/or Program Administrator.
  - b. Education Hearing: The Compliance Officer will notify the Program Manager (Principal) and Program Administrator, and provide instructions to be followed by Program leadership.
  - c. For Litigation purposes:
    - i. Birch is named as a defendant: The Compliance Officer will immediately notify the Chief Executive Officer (CEO) and Chief Financial Officer (CFO) and ensure legal counsel is consulted and advice is implemented in a timely manner.
    - ii. Birch is not a named defendant: The Compliance Officer will immediately notify the Chief Executive Officer and Chief Financial Officer and ensure legal counsel is consulted and advice is implemented in a timely manner.

The Compliance Officer will notify the Program Administrators. The Compliance Officer will gather and review any requested documents and ensure any litigation holds on records are executed. In the event that Birch is a named defendant, any requested documents will then be given to the CFO who will provide such to legal counsel and other parties as warranted.

- d. Related to a Workers Compensation Claim: The Compliance Officer will immediately notify the Chief Financial Officer and Senior Vice President of Human Resources who will communicate such to the Worker's Compensation Insurance Company, seek legal counsel as warranted, and follow directions of such entities.
8. The Compliance Officer will ensure that all actions taken are recorded and maintained by the appropriate Birch Leadership.