

[CAPTION]

**SPECIAL CERTIFICATE OF SERVICE IN SUPPORT OF MOTION TO  
RELEASE MENTAL HEALTH RECORDS**

The Defendant, by counsel, notifies the court that, pursuant to 16-39-3-4, Notice of hearing, has been provided in the following manner:

- (1) The patient, [INSERT NAME], at [INSERT ADDRESS];
- (2) [IF APPLICABLE: The guardian, [INSERT NAME], at [INSERT ADDRESS]; and
- (3) [THE HOSPITAL OR MEDICAL CENTER], at attention medical records, [INSERT ADDRESS].

(Signature)

## **REFERENCES:**

I.C. 16-39-3-4 (notice of hearing must be served at least fifteen days in advance on: 1) the patient; 2) the guardian, guardian ad litem or court appointed special advocate, parent or custodian of patient, and 3) provider that maintains the record or the attorney general if the provider is a state institution).

## **CASE LAW**

Williams v. State, 819 N.E.2d 381 (Ind. 2004) (Defendant, in seeking discovery of alleged victim's mental health records, failed to comply with statutes governing procedural requirements when seeking access to a patient's mental health records, and thus Defendant's request was properly denied; there was no evidence that either victim or relevant health care institution had been provided notice of hearing or that either was present at hearing, hearing was held only eight days after motion had been filed, and thus Defendant did not comply with statutory 15-day notice period, and Defendant failed to give notice to victim that she had right to have attorney present to protect her interests or