

MFT Program Policy on Subpoenas

Policy Availability

The **Policy on Subpoenas** is available to the public via the [MFT Homepage > Accreditation > Policies and Handbook](#).

Purpose

This policy provides guidance for responding to subpoenas or court orders requesting client records or testimony from FamilyWorks or a specific therapist. The policy ensures compliance with Georgia law, professional ethical standards, and the protection of client confidentiality, particularly within a training clinic where therapy is delivered by pre-licensed student therapists under licensed faculty supervision.

The policy aligns with university standards and ethical guidelines for clinical training programs.

Policy Application

This policy applies to:

- Student therapists enrolled in the Master of Science in Marriage and Family Therapy Program at Valdosta State University
- Licensed faculty supervisors
- Clinic administration and legal counsel
- All clients receiving therapy services at the university clinic

Background

The release of confidential client information in response to a subpoena depends on applicable law, privilege, and institutional policy. Some disclosures may require a court order signed by a judge or judicial designee. A subpoena may be issued by a court, clerk of court, or an attorney of record acting as an officer of the court. Subpoenas may appear similar regardless of the issuing authority.

Client records and testimony requests must be handled in accordance with Georgia laws governing confidentiality of mental health records (O.C.G.A. § 37-3-166; O.C.G.A. § 24-5-510) and HIPAA regulations.

Policy Guidelines

Receipt of Subpoenas

Any subpoena, court order, or legal request for client records or testimony received by the clinic must be immediately forwarded to:

- The Clinical Coordinator, clinical supervisor, or designated clinic administrator
- Student therapists must not respond to subpoenas or provide records or testimony independently/without faculty/supervisory direction and guidance.
- Only licensed faculty supervisors or authorized clinic personnel may respond to subpoenas, with legal counsel guidance.

This policy addresses Standards V12.5, Eligibility Criterion E: Accuracy and Program Transparency in Policies and Publications and Standard I: Outcome-Based Education Framework and Environmental Support, KE I-C: Plan for Assessing Environmental Supports. Updated Spring 2026. Scheduled for update Spring 2030 or sooner as necessary.

Review of Subpoenas

- The Clinical Coordinator, faculty supervisor, and, if necessary CPH legal counsel will review subpoenas for validity and scope and steps to response.

The clinic will determine the following:

- the subpoena complies with Georgia state law and HIPAA requirements.
- is properly issued and specific (not overly broad or irrelevant).
- the clinic should file a motion to quash or limit the subpoena (if it is deemed improper or infringes on client confidentiality)

Protection of Client Confidentiality

- Client confidentiality is paramount
- Disclosure of client records or testimony will only be made:
 - when legally required by a valid subpoena or court order.
 - after providing appropriate notice to the client whenever possible, unless prohibited by law or court order.

Role of Student Therapists

- Student therapists:
 - shall not be deposed or subpoenaed to testify about therapy clients without prior consultation with the Clinical Coordinator and/or student’s supervisor.
 - may participate in supervisory sessions related to subpoena preparation under faculty guidance.
 - must maintain confidentiality and refrain from independent communication about subpoenas.

Testimony and Release of Records

- Licensed faculty supervisors may provide testimony or produce records on behalf of the clinic, under the advice of legal counsel.
- The clinic will document all disclosures or testimonies made pursuant to subpoenas.

Transporting Confidential Material

See the **MFT Policy on Security and Privacy** for instructions and information about transporting confidential material. See [Policies and Handbook](#).

Compliance with Georgia Regulations

This policy complies with relevant Georgia laws, including:

- **O.C.G.A. § 37-3-166** — Confidentiality of mental health records
- **O.C.G.A. § 24-5-510** — Testimony by therapists and disclosure of records
- Applicable **HIPAA privacy rules**

Training and Quality Assurance

This policy addresses Standards V12.5, Eligibility Criterion E: Accuracy and Program Transparency in Policies and Publications and Standard I: Outcome-Based Education Framework and Environmental Support, KE I-C: Plan for Assessing Environmental Supports. Updated Spring 2026. Scheduled for update Fall 2030 or sooner as necessary.

- The Clinical Coordinator will oversee compliance and coordinate with university legal counsel as necessary.
 - CPH, the liability insurance company for AAMFT, has legal counsel on staff. Faculty and students are encouraged to avail themselves of this service.
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