IN THE CIRCUIT COURT OF	COUNTY, MISSOURI	
IN RE: ()		
, ,		
Plaintiff/Petitioner,	, 	
vs.	Case No.	
	) )	
Defendant/Respondent.		
MOTION TO QU	JASH SUBPOENA	
Comes now[prog	ram/shelter director's name], by and	
through counsel, to respectfully request this (	Court to quash the[subpoena	
duces tecum or subpoena] served on	[name of person to whom subpoena is	
directed]. In support of this Motion,	[attorney or director's name] submits:	
1. On or about, [date sen	rved with subpoena] [name of person	
to whom subpoena is directed] was served with a subpoena to appear at a		
[deposition, trial, or hearing] on [da	te] and present any and all documentation	
regarding, [initials of the person whose	information/records are sought] a person	
who may or may not have received services	from [name of program].	
2. [If there were flaws with the	service of the subpoena under state law,	
include a description here as a basis for qu	nashing the subpoena. For example: "The	
subpoena was not delivered to the person named as a witness in the subpoena."]		
3. The subpoena seeks to compe	l [name of person to	
whom subpoena is directed] to appear as a witness and/or produce records that, if such		
records exist, were obtained in the course of	a confidential relationship. All information	

contained in such records, if any records exist, was obtained with the express agreement and understanding that such information was to remain confidential.

- 4. As a shelter for victims of domestic violence, \_\_\_\_\_ [program's name] receives state funding pursuant to Section 455.215 of the Missouri Revised Statutes (2000). As a recipient of state funds, this organization must abide by the confidentiality provisions of Section 455.220, R.S.Mo. (2000), which provides that employees or volunteers working for the organization "must maintain the confidentiality of any information that would identify individuals served by the shelter and any information or records that are directly related to the advocacy services provided to such individuals."
- 5. Furthermore, "[a]ny person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information ... unless the confidentiality requirement is waived in writing by the individual served by the shelter." Section 455.220.2, R.S.Mo. (2000).
- 6. The Missouri Supreme Court upheld the strict confidentiality requirements for domestic violence shelters when it entered an absolute writ of prohibition against a family court judge who had denied a shelter's motion to quash a subpoena. The Missouri Supreme Court held that the family court abused its discretion when it ordered a domestic violence shelter to produce records and information in the absence of a waiver from the individual because the court's order violated the strict confidentiality requirements of Section 455.220. *Hope House, Inc. v. Commissioner Molly M. Merrigan*, 133 S.W.3d 44 (Mo. 2004).
- 7. [name of program] does not have a signed waiver for the release of information from [initials of person whose information/records are

sought] for the release of records to [name of person requesting records and		
name of attorney for the person requesting records] [Initials of person whose		
information/records are sought] has neither consented to the release of records nor		
consented to the presentation of testimony.		
8 [name of program] receives state funding pursuant to Section		
455.215. R.S.Mo. (2000). In accordance with Section 455.220, R.S.Mo. (2000), any		
information or records that may or may not exist regarding [initials of person		
whose information/records are sought] that were requested in the subpoena are		
confidential and any employees or volunteers subpoenaed to court regarding this matter are		
incompetent to testify.		
9 [name of program] is financed by funds secured through		
[name of funding source with confidentiality requirement;		
e.g. Family Violence Prevention and Services Act, 42 U.S.C. Section 10401 et seq. and		
Victims of Crime Act of 1984, 42 U.S.C. Section 10601 et seq.] The receipt of these		
funds is conditioned upon [name of program] maintaining the		
confidentiality of information received from those who have been victimized by domestic		
violence [Cite specific provision in funding statute; e.g. FVPSA's		
provision is 42 U.S.C. Section 10402(a)(2)(E) and VOCA's provision is 42 U.S.C.		
Section 10604(d)]. Disclosure of confidential information would result in the termination		
of funding of, or the imposition of other penalties pursuant to federal law on,		
[name of program].		
10. Disclosure of confidential information would reduce the effectiveness of		
[name of program] as a service provider. If those victimized by domestic		

violence thought that their information could be reve	aled to third parties, then they would
be distrustful of [name of program] a	nd would be inhibited from revealing
private information. Ultimately, they would be less l	ikely to turn to[name
of program] for assistance.	
11. Disclosure of confidential information	n also could jeopardize the safety of
others who reside or work at [name	of program].
12. Missouri Revised Statutes Sections 4:	55.215 and 455.220 and <i>Hope House v</i> .
Merrigan compel a finding that the subpoena must be	e quashed.
WHEREFORE, for the reasons set forth above, [name of program]	
respectfully requests that the subpoena in the above	styled case be quashed, and for such
other relief as this Court deems just and proper.	
	Respectfully submitted,
	[name of attorney or director] [address] [city, state and zip code] [telephone number] [facsimile number]  Attorney for/Director of
	[program/shelter name]
CERTIFICATE OF S	SERVICE
I certify that on this day of Motion to Quash Subpoena by first class mail, posta person requesting information/document].	, 20, I mailed a copy of the ge prepaid, to: [name and address of
	[signature