

Specifying Attorney Privileged Communications in SAFE

Guardian ad Litem's (GAL's) have been granted access to SAFE by the State Legislature with the stipulation that they not be allowed to view any Activities that have a date prior to 01 July 2004, and that they not be allowed to view any Attorney Privileged communications.

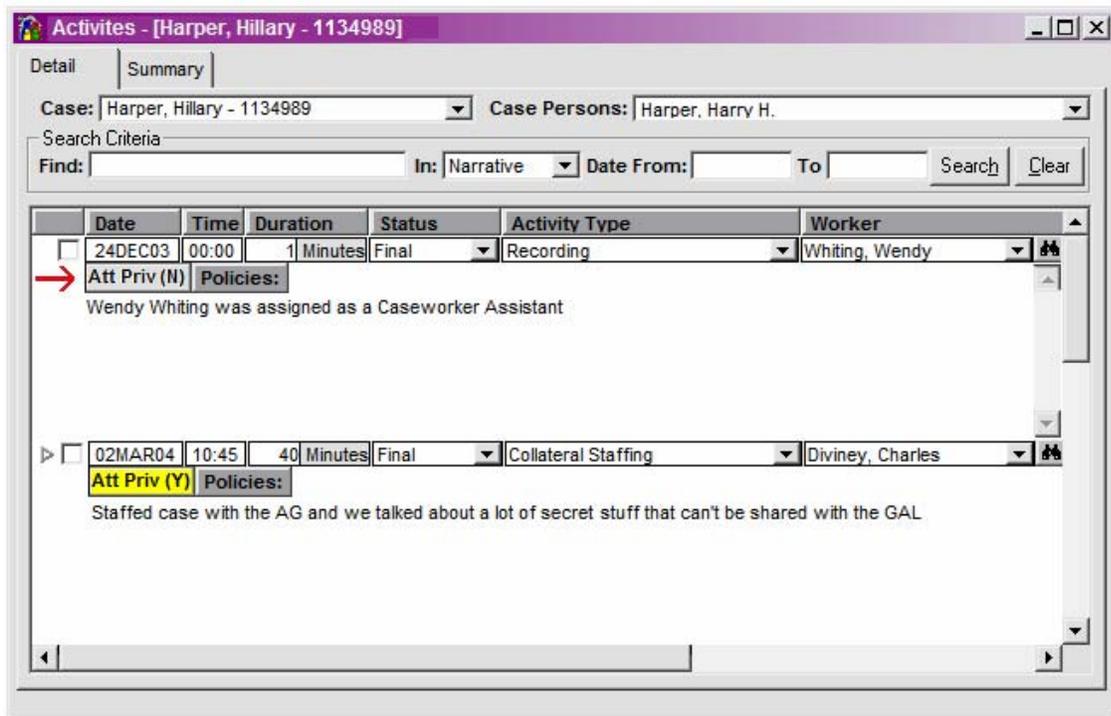
- SAFE has been programmed to prevent GAL's from seeing all Activities with a date prior to 01 July 2004.
- You as a caseworker must designate those Activities, dated after 01 Jul 2004, which will be hidden from GAL view.

When a privileged communication occurs between an Assistant Attorney General and a DCFS worker, regarding a client or case, then the worker should record that communication in the Activity record for the case and mark that entry as being 'Atty Priv.'

In an e-mail dated June 16, 2004, to Adam Trupp, Legislative, Policy and Planning Administrator for DCFS; Mark May, Division Chief, Child Protection Division of the Attorney General's office, provided the following definition of privileged communication.

At a minimum, the communication must be between an attorney and the attorney's client. According to Utah Evidence Law by Edward Kimball and Ronald Boyce: The privileges for communications require that the client intends them to be confidential and that they be made in private and relate to legal services. The presence of an unnecessary person (someone other than a DCFS employee) during the conversation results in the inapplicability of the privilege.

- A new **Atty Priv (N)** command button, has been added to each Activity entry, just below the date, as indicated in the mock-up by the red arrow.
 - When the **Atty Priv (N)** command button is selected the appearance of the button will immediately change to **Atty Priv (Y)** as indicated, reflecting that the activity will now be restricted from GAL view.



- Activity entries may be marked or unmarked as 'Atty Priv' by the worker listed on the Activity, the primary caseworker for the case, or their supervisor, at any time whether the case is opened or closed.

GAL's will not have access to view any Draft Activity entries.