



IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:)
ANITA KELLY) **Court of the Judiciary**
Circuit Judge,) **Case No.: 50**
15th Judicial Circuit)

SECOND JOINT MOTION FOR ENTRY OF CONSENT PROTECTIVE ORDER

Upon joint motion of the parties, the Court previously entered a Consent Protective Order that establishes parameters for the parties regarding the filing and the handling of documents that contain information concerning a child or the family of a child who is or was under the jurisdiction of the juvenile court. *See* Ala. Code §12-15-133 (1975).

The parties now jointly move the Court to enter the attached Consent Protective Order to establish the parameters for the parties regarding the filing and handling of the transcripts of the depositions of Sharon Ficquette and David Smith as Assistant Attorneys General for the Alabama Department of Human Resources (ADHR), to the extent those depositions contain such information or other information relating to ADHR proceedings made confidential by statute. *See* Ala. Code §§ 38-2-6 (8), 26-14-8 (c), 12-15-133 (1975); Ala. Admin. Code 660-1-6-.01.

The parties, therefore, respectfully request that the attached Consent Protective Order be adopted by order of the Court.

Respectfully submitted this 11th day of December, 2017.

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Certificate of Service

I hereby certify that a copy of the foregoing has been FILED electronically with the Court of the Judiciary and a copy of the same emailed and/or hand delivered to the person(s) shown below on this 11th day of December, 2017, as follows:

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Mrs. Jenny Garrett – Executive Director
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IN THE COURT OF THE JUDICIARY OF ALABAMA

In The Matter of)	
)	
ANITA KELLY)	
)	
Circuit Judge,)	Case No.: COJ 50
)	
15th Judicial Circuit.)	

CONSENT PROTECTIVE ORDER

The parties having stipulated through their counsel of record for entry of this Protective Order; in order to protect information concerning minor children and their families as established by State policy, as set forth in Ala. Code §§ 38-2-6 (8), 26-14-8 (c), 12-15-133 (1975), and Ala. Admin. Code 660-1-6-.01; and in order to preserve the parties' "constitutionally protected rights to a full and fair trial ... without totally eroding [a] child's concomitant right of privacy," *see Ex parte State Farm Fire & Cas. Co.*, 529 So.2d 975, 976 (Ala. 1988),

It is hereby ORDERED as follows as to the deposition testimony of Sharon E. Ficquette and David Smith as Assistant Attorneys General for the Alabama Department of Human Resources:

1. Any part of the transcript of the deposition of either witness that is submitted to this court shall be filed with this court under seal; alternatively, information within such transcript that identifies a child or the family of a child who is or was under the jurisdiction of the juvenile court shall be redacted to remove the identifying information or to abbreviate the names of children, family members of a child, foster parents, and adoptive parents using only the person's initials, before the document is filed with this court.

2. Except as necessary to identify and/or examine either witness during the deposition or at trial, the parties shall refrain from identifying a child or the family of a child who is or was under the jurisdiction of the juvenile court. The names of children, family members of a child, foster parents, and adoptive parents shall be abbreviated using only the person's initials.
3. The parties and counsel for the parties shall maintain the confidentiality of the transcripts of these depositions to the extent they contain information concerning a child or the family of a child who is or was under the jurisdiction of the juvenile court. The parties and counsel for the parties shall not release any deposition testimony of the said attorneys that contains information concerning a child or the family of a child who is or was under the jurisdiction of the juvenile court to any person or entity other than this court and other than a party to or counsel of record in this proceeding.

DONE this ____ day of December, 2017.

J. MICHAEL JOINER
CHIEF JUDGE
COURT OF THE JUDICIARY