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| Request for affidavit of CYFS social worker  |
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| Legislation Official Information Act 1982, s 18(c)(i) Agency Department of Child Youth and Family ServicesOmbudsman Anand SatyanandCase number(s) W45470Date June 2001 |

*Request for affidavit of CYFS social worker made in connection with Family Court hearing—request refused—release of information would be contrary to provisions of specified enactment—Children, Young Persons and their Families Act 1989, s 438(3)*

A request was made to the Department of Child Youth and Family Services by the grandmother of a four year old child. The child was the subject of a Family Court custody hearing and the request was for a document before the Court, namely, an affidavit given by a Service social worker. The Service refused the request in reliance on section 438 of the Children, Young Persons and their Families Act 1989 because it was a Court document.

That section provides:

     *438 Restriction on publication of reports of proceedings-*

*(1) Subject to subsection (2) of this section, no person shall publish any report of proceedings under this Act except with the leave of the Court that heard the proceedings.*

*... (3) In no case shall it be lawful to publish, in any report of proceedings under this Act,-*

1. *The name of any child or young person or the parents or guardians or any person having the care of the child or young person; or*
2. *The name of any school that the child or young person is or was attending; or*
3. *Any other name or particulars likely to lead to the identification of the child or young person or of any school that the child or young person is or was attending.*

The view was formed that, in these circumstances, section 18(c)(i) of the OIA provided a ground for refusing the information.

The requester was advised to apply for leave of the Court to view the affidavit.

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