

*Flamea Rin*

**In the Judicial Court of the Tohono O'odham Nation,  
In the State of Arizona  
Children's Court Division**

IN THE MATTER OF:

CASE NO. CCV2025-0016

R \_\_\_\_\_ A

DOB: \_\_\_\_\_

**AMENDED COURT ORDER**

R \_\_\_\_\_ A

DOB: \_\_\_\_\_

B \_\_\_\_\_ K

DOB: \_\_\_\_\_

Persons under 18 years of age

**This Amended Court Order amends, and replaces in its entirety, the Court Order filed September 14, 2026.**

The Court held a Motion Hearing regarding a Tohono O'odham Department of Health and Human Services (TODHHS) filed petition for the Domestication of an Order, and a Subpoena issued by a foreign jurisdiction and A Motion for Release of Records. Present were TODHHS, represented by Hue Le, Deputy Attorney General (DAG), and Rebecca Cohen, Assistant Attorney General, Enrique Leyva, Program Supervisor for the TODHHS Child Welfare Services Division (the Division), and Brooke Bedrick representing the mother, \_\_\_\_\_, who was not present due to an obligation for her children.

The TODHHS filed a motion for the release of Child in Need of Care records pursuant to an Order and Subpoena issued by the United States District Court of Arizona. [Notice of Filing, 1, 8-15-2026]. The records pertain to three children who may be victims of abuse. TODHHS petitioned this Court to domesticate an Order and Subpoena related to these records in a case involving the children's father, \_\_\_\_\_, case number \_\_\_\_\_. [Notice to Court, 1-2, 7-29-2026].

1 In the motion, TODHHS recognized that the information pertaining to the three children is  
2 confidential and requires disclosure via court order. [Motion for Release of Records, 2, 7-21-2026];  
3 See 3. T.O.C. Ch. 1, Art. 12 § 11203–04. There are many limitations on access to disclosures;  
4 however, a Court of the Tohono O’odham Nation may permit disclosure to “Other persons[s]” for  
5 good cause. T.O.C. Ch. 1, Art. 12 § 11204(B)(1–7).  
6

7 To demonstrate good cause, the TODHHS has identified an interest in justice by “ensur[ing]  
8 the United States Department of Justice has the information they require to prosecute their case.”  
9 [Motion for Release of Records, 2, 7-21-2026]. Additionally, the TODHHS has not disclosed any  
10 information and requests the “...redaction of personally identifying information for the protection of  
11 the children in the case.” [Id].  
12

13 The copies of the subpoena request from the United States District Court of Arizona  
14 identified three reasons for the request: (1) the requested records may provide information about past  
15 abuse; (2) advanced production permits pre-trial admissibility objections reducing trial delays; and  
16 (3) there were no objections to the subpoena filed in the federal forum. The Court notes that the  
17 absence of objections in the United States District Court does not address or override the Nation's  
18 independent confidentiality obligations under 3 T.O.C. Ch. 1, Art. 12, nor does it constitute a waiver  
19 of those protections by any party before this Court.  
20

21 Generally, the disclosure of a child’s records and proceedings is barred to protect privacy  
22 rights. 3 T.O.C. Ch. 1, Art. 12, §11201. The inspection or copying of a Children’s Court Record  
23 requires the Court to find good cause, unless they are the “...child; the child’s parent, guardian, or  
24 custodian or their counsel; the Division or its counsel; authorized personnel of the Children’s Court.”  
25 T.O.C. Ch. 1, Art. 12 § 11203(B). Independently, the Children’s Code limits access to records for an  
26 issue before the Court “to in camera inspection unless the Court determines that public disclosure of

1 the information contained therein is necessary for the resolution of an issue pending before it.” 3  
2 T.O.C. Ch. 1, Art. 12, §11203(C).

3 DAG Le argues that the disclosure of the children’s welfare records to the United States  
4 Department of Justice is permissible with a showing of “good cause.” T.O.C. Ch. 1, Art. 12 §  
5 11204(B)(7).  
6

7 When evaluating whether a disclosure request constitutes “good cause,” this Court has  
8 considered the value of the disclosure and the privacy rights of the children. *See In re M.R.*, 5  
9 TOR3d 123 (Tr. Ct. 2025). In two separate matters, this Court has ruled in favor of limited  
10 conditional disclosures of records to organizations outside of the Tohono O’odham Nation  
11 jurisdiction. *See Id.* at 124–125; *In re J.*, 4 TOR3d 304 (Tr. Ct. 2024). Each of those requests were  
12 made by the Tohono O’odham Department of Health and Human Services Child Welfare Services  
13 Division (“Division”) to grant access to child records for the Assistant United States Attorney Micah  
14 Schmidt and the Pima County Public Fiduciary (PCPF), respectively. *In re. M.R.* at 123; *In re J.*,  
15 4TOR3d at 304.  
16

17 Furthermore, this Court has recognized that the disclosure of child records for rehabilitation  
18 and accountability purposes could demonstrate good cause. *See In re M.R.* at 124. In that case, the  
19 Court ordered the Assistant United States Attorney Schmidt to conduct an in-camera inspection of  
20 child records related to the prosecution of the crimes committed against M.R.’s special needs sibling,  
21 create a list of specific documents to be copied, and provide a position on each document, so that the  
22 Court could review whether the documents demonstrate good cause. *Id.* at 126. The Court reasoned  
23 that accountability for the harm to the sibling and rehabilitation weighed heavily in the decision but  
24 that “...the requesting party should identify specific documents requested.” *Id.* at 124–125.  
25

26 Moreover, the disclosure of child records for health concerns requiring coordination of  
adjacent counties and public fiduciaries can constitute a showing of good cause. *See In re J.*, 4

1 TOR3d at 305. In that case, the Court ordered the conditional release of records for welfare purposes  
2 because "...this Court recognizes that working with adjacent counties and their Courts and public  
3 fiduciaries is important, especially under the circumstances at hand." *Id.* at 305. It is important to  
4 note that the PCPF was requesting child records on behalf of an adult, so that the PCPF could  
5 administer care for the individual. *Id.* at 304. Additionally, the records included the individual's  
6 medical records, financial information, and legal file conditioned upon the use of confidentiality  
7 markings and closed sessions when disclosing the records in courts. *Id.* at 304–305.

9 *In re J.* and *In re M.R.* are both published Tohono O'odham Trial Court decisions and  
10 therefore persuasive authority. *See* T.O. R. Ct. Section 1, Rule 8.2(d). The Court here agrees with the  
11 holdings and reasoning in both cases and applies their guidance here.

12 Applying that guidance to the present request, the Court finds the request for the children's  
13 records does not demonstrate good cause because the asserted value of the records is speculative or  
14 related to the administrative efficiency of procedures in federal court.

16 First, unlike *In re M.R.*, the domestication and subsequent disclosure of the subpoena here  
17 would require the immediate production of child records for copying purposes without identification  
18 and judgement of each document. Additionally, the request in *In re M.R.* identified accountability for  
19 specific, documented harms to M.R.'s special needs sibling as the showing of good cause.

21 Here, the Court acknowledges that counsel for the children's mother, Brooke Bedrick,  
22 represented at the August 25, 2026, hearing that her client believes at least one of the three children  
23 may be a victim of the father's conduct. The Court does not disregard that representation. However, a  
24 general belief that one unidentified child may be a victim does not satisfy the standard used in *In re*  
25 *M.R.* A sufficient showing of good cause requires identification of which child or children are  
26 alleged victims, articulation of the specific connection between those children's records and the

1 charged federal conduct, and a basis for the Court to assess whether the records sought bear a  
2 meaningful relationship to the prosecution.

3         None of those elements are present here. The mother's counsel's representation, while noted,  
4 remains too general to supply the nexus this Court required before authorizing even a document-by-  
5 document inspection in *In re M.R.*

6  
7         Finally, unlike the conditional release of information to the PCPF, the domestication and  
8 production of records pursuant to the subpoena would waive any ability to attach conditions to the  
9 request. While the Court required the Division to pair the documents with confidentiality markings  
10 and for the Court to remain in a closed session when disclosing child record related information,  
11 compliance with the subpoena prevents the ability to create conditions for the copying of child  
12 records. The only guarantee AAG Le forwards is the redaction of the children's and mother's  
13 identifying information.  
14

15         Additionally, the Court identified good cause in coordination with public fiduciaries in *In re*  
16 *J.*, because of the potential health consequences in the administration of care. The Court did not  
17 favor disclosure for the sole benefit of working with adjacent counties; otherwise, every motion  
18 related to external agencies would have good cause.

19         On balance, the request for disclosure does not demonstrate good cause because it does little  
20 to connect the three children's records to a federal case, whereas this Court was hesitant to release  
21 information for copying with a judgment on each document for one child's records. Additionally, the  
22 explanation of the subpoena's benefits relates to courtroom efficiency which would likely apply to  
23 every subpoena. If this Court would find efficiency as a showing of good cause, any child's records  
24 remotely related to a federal case could be subject to disclosure.  
25

26         The Court further notes that, according to TODHHS, the United States Attorney's Office has  
taken the position that federal law supersedes tribal law with respect to the production of these

1 records. This Court does not accept that characterization. The Nation's children's records are held  
2 pursuant to the Nation's own law, and access to those records is governed by 3 T.O.C. Ch. 1, Art. 12,  
3 regardless of the forum in which an underlying federal matter is pending. This Court's denial of the  
4 motion is grounded in the Nation's law and the moving party's failure to satisfy that law's  
5 requirements. It is not a concession that federal law controls, limits, or supersedes the Nation's  
6 authority over its child welfare records. The Nation's sovereign interest in protecting the privacy and  
7 welfare of children within its jurisdiction is independent of, and not subordinate to, the procedural  
8 convenience of any federal proceeding.

10 **THEREFORE:** TODHHS' Motion to Domesticate the federal Order and Subpoena is denied  
11 for lack of good cause. The privacy protections guaranteed to children under 3 T.O.C. Ch. 1, Art. 12  
12 § 11201 outweigh generalized requests focused on the speculative prosecutorial assistance or pre-  
13 trial efficiency. A motion for disclosure that adequately demonstrates good cause under §  
14 11204(B)(7) must, at minimum: (1) identify by name or sealed designation which child or children  
15 are alleged victims in the federal matter; (2) articulate the specific connection between those  
16 children's records and the conduct charged against [REDACTED] in case number [REDACTED]  
17 [REDACTED]; (3) identify, with reasonable particularity, the categories of records sought and  
18 the basis for their relevance to the federal prosecution; and (4) propose conditions on any disclosure  
19 that preserve the Nation's ability to attach confidentiality protections no less protective than those  
20 required by this Court in *In re M.R.*, 5 TOR3d 123. A generalized assertion of prosecutorial  
21 assistance or pre-trial efficiency, standing alone, will not satisfy this standard.

24  
25 Dated: September 16, 2026

26   
Judge Shanda Burrell-Parley

