

FOIA template for **requesting state policies related to pregnancy substance use**

Courtesy of **Shoshana Walter**

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This is a template that journalists and researchers are welcome to adapt when making records requests for policies your state child welfare agency follows for screening and assessing substance-exposed newborn reports and referring such allegations to law enforcement.

Dear [Name of FOIA officer],

My name is [NAME], and I am a journalist with [ORGANIZATION NAME]. Pursuant to the [INSERT NAME OF STATE FOIA LAW], please consider this request for the following public records:

1. Any [NAME OF CHILD WELFARE AGENCY] policies pertaining to the referral of substance-exposed newborn cases to law enforcement agencies. If no such policies exist, any broader policies related to the referral of child abuse or neglect cases to law enforcement agencies.

2. Data on the number of referrals to child welfare authorities of infants born with prenatal substance exposure from 2018-2025. This data should appear in a spreadsheet of counts broken down by year.

3. Policies, memos or guidances issued pertaining to drug testing. Specifically, I am looking for:

A) Any policy, handbook, memo or guidance documents that would detail what's required of health care providers who may refer labor and delivery patients and/or newborn babies to [CHILD WELFARE AGENCY] due to a positive drug screen or test. If there is no policy pertaining specifically to labor and delivery referrals, I am looking for any policy documents that would apply to cases involving such mandatory reporters.

B) In addition, I would like to know if [CHILD WELFARE AGENCY] has any policies surrounding the confirmation of positive drug screens or tests, and would like a copy of such policies if they exist.

C) I am also looking for any policies related to drug testing of agency employees, and protocols and procedures following an employee's positive drug screen.

I would prefer to receive these records electronically, in the order in which they become available. Please let me know if you anticipate the cost of the request to exceed \$25 prior to completing the processing of the request.

If you determine that any or all of the information qualifies for an exemption from disclosure, please note whether the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information. If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. Please cite any statutory justification for redacting or withholding records.

Please email me at [EMAIL] or call me at [PHONE NUMBER] with any questions.

Best,

[NAME]