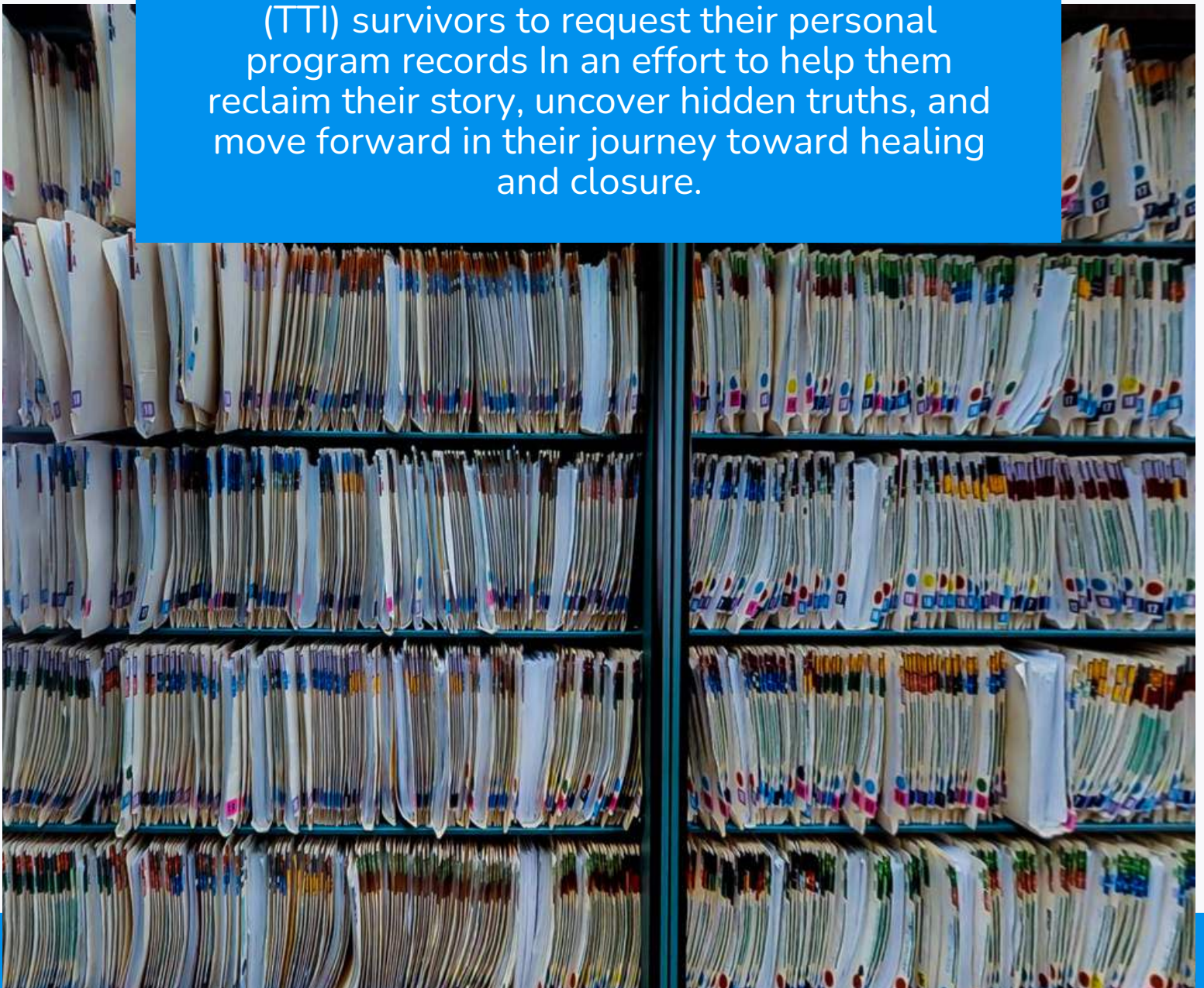


# UNSILENCED

## A SURVIVOR'S GUIDE TO WRITING REQUESTS FOR PERSONAL PROGRAM RECORDS

A detailed guide for Troubled Teen Industry (TTI) survivors to request their personal program records. In an effort to help them reclaim their story, uncover hidden truths, and move forward in their journey toward healing and closure.



# SPONSORS



## Gochnauer Family Foundation

The Gochnauer Family Foundation was established in December of 1998 to give back part of the many blessings our family has received, to teach stewardship across generations, and to cultivate seeds that yield high returns in the support of those in need.

Survivor resources were developed to empower survivors, educate stakeholders, and drive meaningful change in our fight for justice and the protection of vulnerable youth. **We invite our supporters to show their support through sponsoring these innovative and essential resources through scanning this QR code, clicking [HERE](#)**



At Unsilenced, we are proud to partner with sponsors who are as committed as we are to creating meaningful change for survivors of institutional abuse. As a nonprofit, these sponsorships allow us to continue offering vital resources—like survivor guides, attorney directories, support groups, and educational tools—completely free to those who need them. Every sponsorship directly supports the creation, distribution, and availability of these tools, ensuring that survivors have access to the support they deserve. We are deeply thankful for the support that helps us stay focused on our mission of empowering survivors and advancing justice.

# PROGRAM RECORDS REQUEST



Receiving your records from a TTI facility is important for both personal healing and any potential legal action. These records will show what happened during your time in the program, including policies, incidents, and staff behavior that may have caused you harm. Reviewing them can help validate your experience, help you process what you went through, and even may help you recall things that you have forgotten. In legal cases, records can provide evidence that strengthen your claim. They also help to expose abuse and support efforts to reform the TTI. Sharing redacted versions of you records with organizations like Unsilenced, who are fighting abuse within the TTI, makes hard-to-find information accessible and helps prevent future harm.

## WHAT CAN BE INCLUDED IN PERSONAL RECORDS?

A request for personal records from a Troubled Teen Industry (TTI) facility might include documents such as:

- **Incident Reports:** Detailed records of events that took place while you were in the program, including any disciplinary actions.
- **Medical and Mental Health Records:** Documentation of any treatments, medications, or counseling you received during your stay.
- **Communication Logs:** Correspondence between the facility and your family, or records of monitored communications.
- **Behavioral Reports:** Evaluations or assessments made by staff regarding your behavior and progress in the program.
- **Staff Notes or Journals:** Any notes taken by staff that pertain to your time in the program, including observations and interactions.
- **Contracts or Agreements:** Documents signed by your parents or guardians when enrolling you in the program, including financial agreements.
- **Seclusion and Restraint Documentation:** Records of any instances of physical restraints or seclusion, if applicable.

## DID YOU KNOW?

Under federal law (HIPAA), you have the right to request medical records from facilities, and they must provide them within 30 days unless an extension is requested.

*Disclaimer: Medical record retention laws by the state may vary. [Click here](#) for more information.*

# Sample Program Records Request

Copy, paste, and fill out this entire request letter, then email it to your program's records department or appropriate contact.

**SUBJECT:** Request for Medical Records in Electronic Format

Hello,

I am writing to request that you provide all medical and psychotherapy records that are in your custody, possession, or control to me in electronic format, e.g., email, compact disc.

Please email me at [YOUR EMAIL] my complete medical record/chart for me relative to my treatment at [PROGRAM NAME] for all dates of treatment of service specified below and all materials or information, including, but not limited to,

All medical records, physicians' records, psychotherapy records, psychotherapy notes, psychiatrists' records, therapists' records, milieu staffs' records, consultation records, operative reports, physical therapy, and other therapy records, and all documents, records, reports, photographs, billings, studies, summaries, interoffice memos, or correspondence relating to the treatment, examination, or hospitalization, including but not limited to all physical or psychiatric conditions (seclusion/restraint checklist, legal advisements, doctor's orders, doctors notes, progress notes, 24-hour headcount, intake dx/symptoms, discharge summary, psychologist reports, multidisciplinary notes, nursing progress notes, record log of all staff present while inpatient, medication charts/records, denial of rights for good cause checklist, transport records; etc.); laboratory reports; patient information and history questionnaire; physicals and history; discharge summary; progress notes; prescriptions and medication records; nurses' notes; correspondence; consent for treatment; and any other materials (whether written or stored, created or maintained in any other form) relating or pertaining to me, including documents and records received from or that were created by another provider.

Please use the below information for reference:

Name: [YOUR NAME]

Date of Birth: [YOUR DATE OF BIRTH]

Dates of Service: [ESTIMATED DATE OF ADMISSION] to [ESTIMATED DATE OF DISCHARGE]

If you are unable to transfer the medical records by email, I ask that you put them on a compact disc and mail it to [YOUR ADDRESS]. If you cannot put them in digital format, you can mail the paper records to the same address.

## The Law

Under the Health Information Technology for Economic and Clinical Health Act ("HITECH Act"), health care providers are required to provide every patient a copy of their electronic health records, in a format of their choice, at a reasonable cost. Significantly, the HITECH Act preempts state law.

The HITECH Act provides that the individual making the request for protected health information (“PHI”) can designate a third party to receive the information, i.e., an attorney.

The individual is able to choose the method of production of PHI under the Act, and the regulations state it can be in paper or electronic form.

The personal health information requested by an individual must be provided in the form requested by the individual, including in a readable electronic form if the covered entity uses electronic health records. This can be a .PDF, compact disc, or as commented by the Department of Health & Human Services, via email if the individual is warned of the security risk associated with unencrypted email.

### **Reasonable Cost-Based Fees**

Under the HITECH Act, any fee that the covered entity may impose for providing an individual with a copy of electronic personal information shall not be greater than the entity’s labor costs in responding to the request for the copy. The fees must be reasonable and cost-based. What is reasonable and cost-based should be determined on a case-by-case basis.

An entity’s labor costs for providing electronic records can only include: (1) labor for copying, whether in paper or electronic form, (2) supplies for creating the paper copy or electronic media; (3) postage if the individual has requested the information be mailed, and (4) if an individual has requested or agreed to an explanation or summary, the costs associated with preparing an explanation or summary of the PHI.

### **Deadline for Responding**

Aside from some exceptions, a covered entity must act on the request no later than thirty (30) days from the receipt of the request by: (1) providing the requested information, or (2) providing the individual with a written denial of the information.

If you are unable to comply with the thirty (30) day deadline for providing the requested medical records, we ask that you contact us in writing before the deadline expires. In your letter, you must provide a written statement of the reasons for the delay and the date by which you will provide the medical records. Under the HITECH Act, you are only provided one such extension of time.

### **Penalties for Non-Compliance with the Act**

There are substantial monetary fines and penalties for failing to comply with the HITECH Act. The Office of Civil Rights of the Department of Health and Human Services can investigate complaints and levy fines for violation of the Act. If a healthcare provider is found to have “willfully neglected” a provision or provisions of the Act, the Office of Civil Rights of the Department of Health and Human Services will impose mandatory fines of up to \$250,000 and up to \$1.5 million for repeat or uncorrected violations.

If you do not use electronic medical records, please contact me within ten (10) business days of your receipt of this communication in order to make alternative arrangements for the production of the medical records.

Thank you in advance for your cooperation.

Sincerely,  
**[YOUR NAME]**

# FREQUENTLY ASKED QUESTIONS

## » WHERE DO I FIND HOW LONG A FACILITY HAS TO KEEP RECORDS BY STATE?

You may visit [this site](#) to find out how long a facility must keep records. Typically, it is 7 years. However, it is not uncommon for facilities to keep them much longer. If the facility has not destroyed your records, they are still legally required to provide them at your request.

## » HOW DO I KNOW IF I HAVE GOTTEN MY FULL RECORDS?

Check with other survivors from your facility to see if they received similar documents. The length of your stay should match the amount of records provided. Survivors from intensive programs often receive hundreds of pages. If you were there for a year but only received basic intake, discharge, and school transcripts, you may not have your full record. **If you suspect this, you can file a HIPAA complaint.**

## » CAN A FACILITY REFUSE TO PROVIDE RECORDS IN AN ELECTRONIC FORMAT?

Most programs have the resources to store records electronically, which is typically cheaper than maintaining paper records. If you request an electronic copy from a facility that only keeps paper records, they are required to provide it if it can be easily scanned. If the program refuses, remind them of this obligation. **If they still refuse, you can file a HIPAA complaint.**

## » CAN A FACILITY ASK FOR A COPY OF MY DRIVER'S LICENSE OR OTHER MEASURES IN ORDER TO VERIFY MY IDENTITY?

Yes, HIPAA allows facilities to verify your identity in various ways, including a driver's license. This ensures your records aren't given to the wrong person. They may also ask for identity verification through oral confirmation, written proof, or a form they provide.

## » HOW MUCH CAN THEY CHARGE?

A program can only charge "reasonable, cost-based fees." For a better understanding of what that could look like, please check out [this website](#). Keep in mind, the records may be slightly out of date. If the facility charges an excessive fee, try negotiating by mentioning the thousands already paid in tuition. **If that fails, you can file a HIPAA complaint.**

## » HOW SHOULD I PAY?

Most facilities have a way to pay by credit card or check. However, you should never send a photo of a credit card through email to the facility. If you would like to pay by phone and do not want the facility to have your credit card number, you may also use a prepaid credit card to prevent the facility from having your financial data.

## » HOW LONG DO THEY HAVE TO DO IT?

Programs have 30 days from the receipt of your request to send your records. They may request one extension, which is allowed in some states, but they must first make you aware of the extension. Typically, this extension only extends the deadline to 60 days from the date of the request. **If they have not sent your records within 30 days and have not notified you of an extension or have denied/ignored your request, you may file a HIPAA complaint.**

## » AM I ABLE TO GET ACCESS TO THERAPY NOTES?

It is typical that a program may only retain therapy progress notes, which you do have a right to. If a therapist wrote down private notes that were kept separate from your records, you may not be able to request them.

## » WHAT IF THE FACILITY DENIES ACCESS TO MY RECORDS, CLAIMING IT WILL CAUSE ME EMOTIONAL HARM?

Some facilities ask survivors for a therapist's note or liability waiver to release therapy progress notes, which is a HIPAA violation. Facilities can only deny access if they believe releasing the records would likely endanger someone's life or physical safety, not just cause emotional upset. **You can file a HIPAA complaint to challenge the denial.**

## » WHAT IF THE FACILITY DENIES ACCESS TO MY RECORDS, CLAIMING ITS RELEASE WOULD ENDANGER SOMEONE'S SAFETY?

Facilities are only allowed to use this stipulation when they truly believe someone will be physically injured or die as a result of the records being released. **You may file a HIPAA complaint to request a review of their denial.**

## » WHAT DOES A NORMAL HIPAA RELEASE LOOK LIKE?

A program will not typically require you to sign a HIPAA release form to get access to your own records. If they do, read the document thoroughly to ensure that the release only pertains to the disclosure of records and nothing else. Watch out for red flags like requests for unnecessary personal details, liability waivers, therapist's notes, unclear expiration dates, or overly broad access to all records. If you notice any of these, question the form's legitimacy.

## **» CAN I STILL GET MY RECORDS IF I HAVE BEEN GONE LONGER THAN THEY WERE REQUIRED TO KEEP THEM?**

If a program still physically has the records, they are required to give them to you. If they destroyed them, you may ask for a record of destruction which should specify when and how your records were destroyed.

## **» CAN I STILL GET MY RECORDS IF THE FACILITY HAS CLOSED?**

It's possible, especially if you attended the program within the last seven years, as records shouldn't have been destroyed yet. If the facility has a parent company, reach out to them for records. If the facility was shut down by law enforcement, contact the agency to see if your records were seized. If the facility rebranded under a new name, contact the current facility to inquire about the records.

## **» WHAT IF THE FACILITY CLAIMS THE RECORDS ARE LOST, DESTROYED, OR WON'T RELEASE THEM DESPITE BEING WITHIN THE RETENTION PERIOD?**

This may violate the law, and you can file a HIPAA complaint.

Records are vital evidence and can reveal poor care, such as unlicensed therapists, overmedication, excessive isolation, misuse of restraints, neglect, harassment, or discrimination. If you find anything questionable, it may be evidence of neglect or abuse. You can reach out to an advocacy group or consult an attorney for support.





## The Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) was created to protect the privacy of individuals' medical records and ensure their rights to access their own health information. It sets strict guidelines for how healthcare providers and facilities must handle and share records. HIPAA ensures that your personal health information remains confidential, while also granting you the right to request and obtain your medical records. If a facility denies access to your records, HIPAA provides a process to file a complaint and hold them accountable for non-compliance.



## HIPAA Complaints

Filing a HIPAA complaint means reporting a facility that has refused to provide access to your medical records, in violation of your rights under the law. This process allows you to hold the facility accountable through the Office of Civil Rights (OCR). Before you file, **ensure you've formally requested your records and given the facility the required 30 days to respond**. If you've been denied access, make sure you have the information below and follow the steps to submit a complaint.

➤ **PDFs of all email communications between the facility and the requestor regarding the records request**

To create a PDF of an email, click the print icon. Then, choose "Save as PDF" instead of selecting a printer. This process is easier on a computer than on a phone. Make sure to also save any other PDFs related to your records request, like forms the facility sent, even if you didn't sign them.

➤ **All dates of email correspondence**

➤ **A written summary of what you believe is relevant to your complaint.**

➤ **The address of the facility.**

➤ **A written summary of what you believe is relevant to your complaint.**

# STEPS TO FILING A HIPAA COMPLAINT

If a facility refuses to provide your full records, please use this guide to file a HIPAA complaint to The Office of Civil Rights (OCR). Use this **ONLY** after you have formally requested your records and have been denied or refused. You may visit [this site](#) to understand your rights to access records.



## Open the complaint form

Navigate to [https://ocrportal.hhs.gov/ocr/cp/wizard\\_cp.jsf](https://ocrportal.hhs.gov/ocr/cp/wizard_cp.jsf), click the link named, “File a Health Information Privacy Complaint”, and enter your information.

U.S. Department of Health and Human Services  
Office for Civil Rights  
Complaint Portal

**What You Should Know Before Filing**  
Every complaint that the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) receives is important. However, not every complaint results in an investigation, and it is not possible to contact every complainant.

**Civil Rights and Conscience**  
[File a Civil Rights and Conscience Complaint](#)

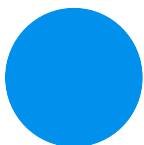
If you believe that a Civil Rights covered entity discriminated against you or someone else because of your or someone's race, color, national origin, disability, age, sex, or religion in violation of federal civil rights laws under HHS jurisdiction or has otherwise violated federal provider conscience laws, you may file a Civil Rights and Conscience complaint with OCR.

A Civil Rights covered entity includes programs or activities that receive federal financial assistance from HHS and may include programs or activities that HHS directly operates and programs or activities that receive federal assistance from HHS. For complaints alleging disability discrimination, a covered entity may also include services, programs, or activities operated by a state and local governmental agency and its

**Health Information Privacy**  
[File a Health Information Privacy Complaint](#)  
[File a Security Rule Violation Complaint](#)

If you believe that a HIPAA covered entity or business associate violated the Privacy, Security, or Breach Notification Rules (the HIPAA Rules), you may file a Health Information Privacy & Security complaint with OCR. OCR can investigate complaints alleging violations of the HIPAA Rules against HIPAA covered entities and their business associates. You may file a Health Information Privacy & Security complaint for yourself or for someone else.

The following are HIPAA covered entities that must meet the requirements of the Federal Privacy, Security, and Breach Notification



## Choose the Agency/Organization field

Navigate to [https://ocrportal.hhs.gov/ocr/cp/wizard\\_cp.jsf](https://ocrportal.hhs.gov/ocr/cp/wizard_cp.jsf), click the link named, “File a Health Information Privacy Complaint”, and enter your information.

**Complaint Portal - File a Health Information Privacy Complaint**

To file a complaint, please enter information in the wizard pages below. A field with an asterisk (\*) before it is a required field.

Complainant: **Complaint Details** | Additional Information | Signature | Consent | Review and Submit

Please fill in the complaint details

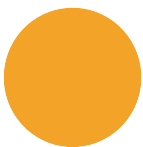
Who (or what agency or organization, e.g., provider, health plan) do you believe violated your (or someone else's) health information privacy?  
\* Person or Agency/Organization?:  Person  Agency/Organization

\* Agency/Organization \*  
\* Street Address Line 1: \*  
Street Address Line 2:  
\* City: \*  
\* State: \* -- Choose State --  
Country: USA  
\* ZIP: \*  
Phone (include area code):  
Phone Number Usage Edit Add additional phone  
- Choose Usage -



### Enter the facility Information

Enter the facility’s full legal name, address, and phone number, ensuring you use the complete legal name, not an abbreviation.



### Enter Violation Dates

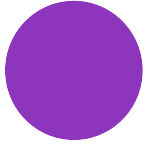
In the "When do you believe the violation occurred?" field, enter all the dates from your email correspondence as the violation dates. Add more dates if necessary.



### Write a summary

Write a summary of what happened when you were denied access to your records, which you requested over 30 days ago. Here’s what to include:

- Start with: “I’m filing this complaint because I believe my right to access my health information has been violated. I was a minor during my time at **[FACILITY NAME]** in **[CITY, STATE]**.”
- Include the dates you were a client and when you requested your records.
- List the full names, job titles, and license numbers (if available) of anyone involved.
- Explain how the facility either refused to give you your complete records or provided incomplete records.
- Mention if the facility used an electronic system for records (e.g., BestNotes EHR).
- If relevant, describe any fears of retaliation or harassment you experienced.



### Attach all relevant files

Attach all email PDFs, all release forms from facility, etc.

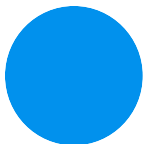
\* Describe briefly what happened. How and why do you believe your (or someone else's) health information violation of the Privacy or Security Rules occurred? Please be as specific as possible. (Attach additional pages if necessary.)

Typed 4000 characters out of 4000 allowed.

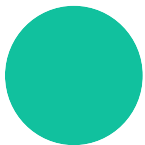
Attach Additional Files:

Up to 10 MB per file. (.txt, .doc, .docx, .zip, .xls, .xlsx, .rtf, .pdf)

File Name	Size	File Type	Edit
No records found			



Click "Next" to complete the complaint. For how you found the Office for Civil Rights, select "Other" and specify that you found OCR through \_\_\_\_\_.



Complete the Consent



Complete the Consent



Save the complaint as a PDF



## **CONCLUSION: RECLAIMING YOUR STORY THROUGH PROGRAM RECORDS**

Obtaining your personal program records is a critical part of understanding and validating your experiences in a Troubled Teen Industry facility. These records can offer important insight into the conditions you endured and provide evidence that supports your healing and potential legal claims. By taking control of your records, you reclaim a piece of your history and empower yourself in the pursuit of justice. This guide gives you the tools to effectively request, review, and share your program records, helping to prevent future harm and contribute to meaningful change in the industry.