

Adoption Information Act - Protocol for Release of Information

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Functional Sub group Clinical/ Patient Services - Records

Summary Outlines to adoptees and their families the increased confidentiality accorded to some members of the birth mother's family and to the birth mother's record relating to the period following the adoption.

Author Branch Legal and Legislative Services

Branch contact 9391 9616

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Contact **D. Green 391-9460**

**PROTOCOL FOR THE RELEASE OF INFORMATION UNDER THE
ADOPTION INFORMATION ACT**

1. INTRODUCTION

The Adoption Information Act came into force on 1 April, 1991. It is administered by the Department of Community Services. The Regulation which prescribes the information to which adoptees and their families are entitled was gazetted on 26 February 1991, and amended on 10 July 1991, to increase the confidentiality accorded to some members of the birth mother's family and to the birth mother's record relating to the period following the adoption. As the information held by the Department of Community Services is deficient for adoptions occurring prior to 1967, records held by the public hospitals will be an important source of information for many enquirers.

The guidelines below should be followed in respect of all adoption-related enquiries. These guidelines should be drawn to the attention of medical records, social work and relevant administrative staff of public hospitals. They should be used in conjunction with the Act and Regulation.

2. PERSONS MAKING GENERAL ENQUIRIES

Telephone enquiries should be directed by switchboard to the medical records department. Enquirers who have not already commenced action to obtain adoption-related information should be informed of their entitlements under the Adoption Information Act, and referred to the Registry of Births, Deaths and Marriages or the local courthouse at which births can be registered. Although enquirers should be encouraged to follow this pathway, those seeking non-identifying information may pursue their enquiries outside the provisions of the Act provided they can produce a letter from the Department of Community Services confirming that a contact veto has not been lodged against them.

Distributed in accordance with circular list(s):

A	B	C 116	D	E
F	G	H	I	J 91
K	L	M	N	P

73 Miller Street North Sydney NSW 2060
Locked Mail Bag 961 North Sydney NSW 2059
Telephone (02) 391 9000 Facsimile (02) 391 9101

3. SEARCH FEE

Enquirers should be informed that the hospital fee for accessing medical records is \$30 per applicant. In cases of financial hardship, the \$30 fee may be waived or reduced at the discretion of the hospital's Chief Executive Officer or delegate.

It has been determined that revenue received as a result of applications under the Adoption Information Act is to be re-credited to the appropriate expenditure line item (usually Salaries and Wages) to assist hospitals to defray additional costs that may be incurred. The Department does not propose to provide additional supplementation in respect of this matter.

4. FORMAT OF INFORMATION

It may be appropriate and convenient for some information to be photocopied, with non-prescribed information obliterated. A form or form letter may be preferred.

All covering letters and form letters should contain a paragraph setting out the telephone number of the social work department, preferably giving a contact officer's name, and of the Post Adoption Resource Centre, and recommending that clients visit their doctor if they wish to discuss medical terminology.

It may be useful to have a glossary of common abbreviations used in hospital records available for clients to consult.

5. ADOPTEES WHO DO NOT WISH TO OBTAIN AN ORIGINAL BIRTH CERTIFICATE, BUT WHO REQUEST NON-IDENTIFYING INFORMATION.

These persons should be requested to return with a letter from DCS stating that a contact veto does not apply. (DCS will charge the client \$25 for this service.) That no veto has been lodged since the date of issue must be confirmed by phone with the Family Information Service before issue of non-identifying information. Ring Ray Feeney, (02) 689 8127. These enquirers are to be charged a fee of \$30.

6. ADOPTEES PRESENTING WITH AN ORIGINAL CERTIFICATE ISSUED UNDER THE ACT TO WHOM A CONTACT VETO DOES NOT APPLY.

All enquiries should be handled in the first instance by the medical records department. Original Birth Certificates issued under the Act are identified by a statement on the lower border. Holders of an unendorsed certificate are entitled to all the prescribed information held on record. These enquirers are to be charged a fee of \$30.

7. ADOPTEES PRESENTING WITH AN ORIGINAL CERTIFICATE ISSUED UNDER THE ACT TO WHOM A CONTACT VETO APPLIES.

All enquiries should be handled in the first instance by the medical records department. Original birth certificates of persons to whom a contact veto applies are endorsed with a stamp across the front. Holders are entitled all the prescribed information which is held on record. These enquirers are to be charged a fee of \$30.

8. IDENTIFICATION OF ENQUIRERS

The enquirer's identity should be established by sighting additional identifying documents, such as driver's photolicense, amended (adopted) birth certificate, marriage certificate.

9. SOCIAL WORK RECORDS

Where a separate social work record exists, the information held in the main record should be issued and clients should be advised to make an appointment with the social worker to discuss the social work record. Where a social work record which is incorporated in the medical record contains prescribed information, there should be liaison between the medical records and social work departments regarding its release.

10. CONFIDENTIAL INFORMATION AND DISTRESSING INFORMATION

Confidential information is described in the Act and Regulation and should not be issued without the permission of the Director General of the Department of Community Services.

There may be other information which is considered to be unsuitable for presentation outside a counselling situation. Appendix 1 contains a list of indications for referral of clients to the hospital social work department. It is recommended that this list be adopted by all hospitals, although it may be varied with the agreement of hospital management and all professionals concerned.

In these instances the enquiry should be referred to the social work department where, in the case of confidential information, a request for permission for its release will be lodged with DCS. Contact Harvey Milson on phone (02) 689 8117, or fax. (02) 689 8122 regarding these requests. Clients should be advised to seek an appointment with the social work department where all prescribed information will be released.

11. POSTAL ENQUIRIES

The original birth certificate, or a copy, together with additional evidence of identity (e.g. driver's photolicense, amended (adopted) birth certificate, marriage certificate) is required.

Where confidential or other distressing material exists the enquiry should be referred to the social work department, where, in the case of confidential information, a request for permission for its release will be lodged with DCS. Contact Harvey Milson on phone (02) 689 8117, or fax. (02) 689 8122 regarding these requests. A letter should be issued to the client, indicating that the prescribed information will be made available to them by a member of the social work department, whose name and contact number should be provided. The social worker is responsible for imparting all of the prescribed information relating to this adoption, including the confidential information, if DCS permission has been obtained, or for ensuring that it is imparted in an appropriate way. This may even involve liaison with health professionals or DCS personnel in the client's area of residence. If confidential or distressing material is to be mailed, the client's preference regarding envelopes, etc., should be ascertained.

12. INFORMATION TO BE RECORDED BY PUBLIC HOSPITALS

- . Identity of enquirer
- . Status of enquirer, e.g., adoptee, birth parent
- . Type of information sought i.e., identifying or non-identifying
- . Professional imparting information (medical records administrator or social worker)
- . Indication for social work referral
- . Turn around time for enquiry
- . Processing time for enquiry

Appendix 2 contains an example log-sheet for recording this information.

13. THE POST ADOPTION RESOURCE CENTRE

The services provided by the Post Adoption Resource Centre (PARC) include:

- . Information meetings to inform people of their rights and safeguards under the Act
- . Telephone Counselling to provide brief information and more detailed discussion for people unable to come to the Centre
- . Group programs targeted to the needs of specific interest groups
- . Individual counselling
- . Mediation in the processes of approach and making contact.

If issues are raised by a client requesting information from a medical record which cannot be dealt with by the medical records department or within locally available resources, then it is appropriate to refer the client to the Post Adoption Resource Centre either by referral with the consent of the client or by informing the client about PARC services so they may contact PARC themselves. The telephone number for PARC is (02) 361 0033.

14. FREEDOM OF INFORMATION

Birth mothers are entitled to a copy of their record under FOI, and it is policy that they may view their record in the company of a health professional although non-prescribed information relating to the child should be withheld. These options are not available to adoptees, who are confined to the means of access described above. Birth mothers may seek information relating to their adopted child under the Adoption Information Act, in which case they are entitled to prescribed information.

15. ENQUIRIES TO THE FAMILY INFORMATION SERVICE

The Family Information Service is the branch of the Department of Community Services which supports the adoption legislation. The telephone numbers listed below may be useful.

General Enquiries (02) 689 8123
(02) 689 8249
(02) 689 8276
(008) 049 956
Wendy Williamson, Officer in Charge (02) 689 8146
Karren Antony, Prescribed Information (02) 689 8125
Ray Feeney, Contact Vetos (02) 689 8127
Harvey Milson, Confidential Information (02) 689 8117
fax. (02) 689 8122

B.J. Amos
Director-General.

DISTRESSING INFORMATION

1. INFORMATION OF A SEXUAL NATURE

Mother was a prostitute.
Mother was known to be promiscuous.
Homosexual/lesbian birth parent.
Sex change of parent.
Father a transvestite.

2. INFORMATION CONCERNING MEDICAL OR PSYCHOLOGICAL CONDITIONS

Familial history of serious physical illness of a hereditary nature - eg. Huntington's Chorea, as well as organic conditions such as Epilepsy etc.
Familial history of mental illness.
Familial history of developmental disability.
Drug and alcohol problems.
Suicide.
Attempted abortion if relevant to child.
Issues relating to the pregnancy itself.

3. INFORMATION CONCERNING VIOLENCE AND/OR CRIMINAL BEHAVIOURS

Child the product of incest.
Child the product of rape.
Evidence of sexual abuse of the child.
Evidence of physical abuse of the child.
A history of violence against persons.
A history of violence against property.
Charged with murder, manslaughter, grievous bodily harm.
A prison sentence for whatever reason.

4. INFORMATION OF A PARTICULAR NATURE

The child is a foundling and there is no information.

The child is one of twins.

Mother kept a sibling(s).

Birth parents subsequently married or were married.

Marked age disparity between birth parents.

A very young or very old birth mother.

Unusual occupation of parent.

Racial information.

An intrafamilial adoption which has not been disclosed eg. sister or daughter's child.

Child the product of incest.

Child the product of rape.

Unusual physical characteristics of either birth parent eg. unusually short stature.

Unusual circumstances relating to the pregnancy eg. no antenatal care, birth prior to arriving at hospital.

Unusual features noted in the post natal period eg. acting out behaviour of birth mother.

This list has been prepared by the NSW Committee on Adoption as part of an ongoing project to assist workers or families responsible for releasing such information.

