Managing the Clinical Records of Children Available for Adoption

Policy Statement
The clinical records of adopted children and children identified for possible adoption are maintained in a manner consistent with legislation and good record-keeping practice and protect the rights of the child, birth parents and adoptive parents.

Intent of this policy
- Determine minimum record-keeping requirements for all adopted children and children identified for possible adoption
- Outline information sharing arrangements between Department of Health and Adoption Services Queensland, Department of Communities, Child Safety and Disability Services in relation to release of information about adopted children and children identified for possible adoption.

Scope
This policy applies to all Department of Health employees (permanent, temporary and casual) and all organisations and individuals acting as its agents (including partners, contractors, consultants and volunteers).

This policy applies to clinical records held by Department of Health facilities for children whose parents are considering placing them for adoption under the Adoption Act 2009.

This policy can be used by Hospital and Health Services either as is, by re-branding or as a base for a Hospital and Health Service specific policy.

Principles
- Compliance - clinical records are maintained in accordance with the Adoption Act 2009 and the principles set forth in the United Nations Convention on the Rights of the Child.
- Rights of the child – children have the right to be known by their birth name until the time they are placed with adoptive parents, unless otherwise directed by the Children’s Court.
- Quality - clinical records are full and accurate and maintained to a high quality to enable appropriate access to information about the clinical treatment and / or care of an adopted child or child identified for possible adoption.
Legislative or other Authority

- Adoption Act 2009
- Births, Deaths and Marriages Registration Act 2003
- Child Protection Act 2009
- Information Privacy Act 2009
- Judicial Review Act 1991
- Public Records Act 2002
- Public Service Act 2008
- Right to Information Act 2009
- Hospital and Health Boards Act 2011
- Electronic Transactions (Queensland) Act 2001
- Financial Accountability Act 2009
- United Nations Convention on the Rights of the Child

Related policy or documents

- Department of Health
  - Assignment of Unique Unit Record Numbers Policy
  - Health Sector (Clinical Records) Retention and Disposal Schedule
  - Information Security Policy
  - Protocol for Information Security
  - Retention and Disposal of Clinical Records Policy
- Queensland Government Enterprise Architecture, Department of Science, Information Technology, Innovation and the Arts (DSITIA):
  - Information Security Information Standard – IS18
  - Recordkeeping Information Standard – IS40
  - Retention and Disposal of Public Records Information Standard – IS31

Supporting documents

- Managing the Clinical Records of Children Available for Adoption Implementation Standard
- Managing the Clinical Records of Children Available for Adoption Guideline
Business area contact
Clinical Information Management, Planning, Engagement and Performance Directorate, Health Services Information Agency

Review
This policy will be reviewed at least every three years.

Date of last review: 28/02/2011
Supersedes: Clinical Records – Adoption Record Policy 2006 and Clinical Records – Adoption Record Instruction 2006

Approval and Implementation
Policy Custodian:
Executive Director, Planning Engagement and Performance Directorate, Health Services Information Agency

Responsible Executive Team Member:
Chief Information Officer, Health Services Information Agency

Approving Officer:
Ray Brown, Chief Information Officer, Health Services Information Agency

Approval date: 9 July 2013
Effective from: 1 July 2013

Definitions of terms used in this policy and supporting documents

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition / Explanation / Details</th>
<th>Source</th>
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<tbody>
<tr>
<td>Adoption order</td>
<td>A final adoption order or interim order.</td>
<td>Adoption Act 2009</td>
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<tr>
<td>Adoptive parent</td>
<td>A person who has adopted someone else under the relevant adoption laws</td>
<td>Adoption Act 2009</td>
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<tr>
<td></td>
<td>A person who has adopted someone else under a final adoption order.</td>
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<td>Approved foster carer</td>
<td>A person who holds a certificate of approval as an approved foster carer.</td>
<td>Child Protection Act 1999</td>
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<td>Birth Name</td>
<td>The name a child is given by his or her parents at birth.</td>
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<td>Birth parent</td>
<td>A person who was a parent of the adopted person at any time before the adoption, including-(i) a biological parent of the adopted person; and (ii) someone who was a parent of the adopted person under a previous adoption.</td>
<td>Adoption Act 2009</td>
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<td>Child</td>
<td>A child is an individual under 18 years.</td>
<td>Child Protection Act 1999</td>
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<td>Clinical record</td>
<td>A record that contains data or information relating to individual patients/clients (or groups of patients/clients) created as evidence of the delivery of a clinical service.</td>
<td>Department of Health definition</td>
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<td>Final adoption order</td>
<td>A final adoption order under part 9.</td>
<td>Adoption Act 2009</td>
</tr>
<tr>
<td>Interim order</td>
<td>An interim order under part 9.</td>
<td>Adoption Act 2009</td>
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| Parent         | The child’s mother or father; and anyone else, other than the chief executive (child safety) or a corresponding officer of another jurisdiction, with the right to have the child’s daily care, and the right and responsibility to make decisions about the child’s daily care, under-  
(i) a law of the State other than this Act; or   
(ii) a law of the Commonwealth or another State; or   
(iii) a court order other than an order under this Act.                                                                                       | Adoption Act 2009            |
| Records        | Recorded information created or received by an entity in the transaction of business or the conduct of affairs that provides evidence of the business or affairs and includes:                                                                                                                                               
   a) anything on which there is writing  
b) anything on which there are marks, figures, symbols or perforations having a meaning for persons, including persons qualified to interpret them  
c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or  
d) a map, plan, drawing or photograph.                                                                        | Public Records Act 2002      |