

Managing the clinical records of children available for adoption

Guideline

QH-GDL-280-1:2015

1. Statement

This guideline provides recommendations regarding best practice for clinical recordkeeping requirements, including identifying information, for children of birth parents who are considering the placement of their child for adoption and the right of the child to be known by their birth name (both given name and family name) until the adoption process is finalised.

2. Scope

Compliance with this guideline is not mandatory, but sound reasoning must exist for departing from the recommended principles within a guideline.

This guideline applies to all employees, contractors and consultants within the Department of Health divisions and commercialised business units.

This guideline 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 guideline.

3. Requirements

3.1 Child for adoption

3.1.1 A child for adoption will remain with his or her birth name until the child is placed with adoptive parents under an interim or final order. The clinical record of the child for adoption cannot be unnamed, de-identified or in the name of the foster carer.¹ Full and accurate records are to be made, managed and preserved for as long as they are required for business, legislative, accountability and cultural purposes.

3.1.2 The child for adoption is to be registered in the same way that other children are registered under his or her birth name and the clinical record will be managed the same as any other client for whom a hospital accepts responsibility for treatment and/or care.

3.1.3 If the child is a newborn for adoption they should be identified by using the birth mother's family name as the baby's family name unless instructed otherwise by the birth mother. The baby's given name should be registered as the name identified by the birth parents. If no name has been decided, use Baby of xxx (xxx is the birth mother's given name). Using this process, a newborn baby that is for adoption is being registered in the same way that other newborn babies are registered. This birth name appears in the clinical record and is used to identify the child until the adoption process is finalised.

3.1.4 Birth parents who are considering the placement of their child for adoption are to provide as much information as possible about their medical history. This information is recorded in the child's clinical record and a copy kept by Adoption Services, Department of Communities, Child Safety and Disability Services. Non-identifying clinical information is provided to prospective adoptive parents at the time they adopt the child and can be provided when requested by adopted adults (18 years of age) at a later time.

3.1.5 When a child is identified as potentially being placed for adoption, Adoption Services are to be sent a copy of the Hospital and Health Service clinical record held under the child's birth name upon their discharge from hospital (postal delivery address for Adoption Services, G.P.O. Box 806, Brisbane Qld 4001).

¹ Supports the principles set forth in the United Nations Convention on the Rights of the Child (UNCROC), of 20 November 1989, and the United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85, of 3 December 1986).

3.1.6 Upon finalisation of an adoption, Adoption Services will manage any future information release of the adopted child's information that is held in the child's birth name in accordance with Queensland's Adoption Act 2009.

3.1.7 When a child is placed with adoptive parents subject to an interim or final adoption order, the child will take the name of their adoptive parents unless the Children's Court orders that the child retains his or her birth name after adoption. Refer to section 3.5 of the Managing the Clinical Records of Children Available for Adoption Standard.

3.1.8 If the birth parents decide not to proceed with adoption, then responsibility for the access and information release of the child's information will remain with the Hospital and Health Service.

3.1.9 The retention and disposal of all clinical records is managed under Health Sector Clinical Record Retention and Disposal Schedule except for clinical records that qualify as one of the noted exceptions i.e. the adopted child's birth records or the prospective adopted child's birth records are addressed in 1.2 Clinical Records – Minor and 3.2 Birth Registers.

3.2 Foster child clinical record

3.2.1 During the transitional period when the child is in foster care, the best possible record management practices will need to be maintained to ensure policy and social responsibilities are met. Maintaining the clinical record in the child's birth name supports the principles set forth in international instruments, in particular the United Nations Convention on the Rights of the Child (UNCROC), of 20 November 1989, and the United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85, of 3 December 1986).

3.2.2 It is not appropriate for birth parents to continue to receive correspondence from the Hospital and Health Services in regard to the on-going treatment and/or care of their child if the child is in the temporary care of a foster carer. This may be upsetting for the birth parents and also breaches the child's right to privacy in accordance with the Information Privacy Act 2009 whereby Hospital and Health Services must ensure, by the adoption of appropriate procedures, that any information intended for the child is received only by the child's foster carer or the person who is granted guardianship of the child under the Adoption Act 2009 or who otherwise exercises parental responsibility for the child under a decision or order of the Children's Court.

3.2.3 The child will be known by their birth name while they are in foster care and any admission or care given during this time will be under their birth name.

3.2.4 Adoption Services will advise the relevant Hospital and Health Service and/or facility with regard to the correct postal delivery address details for correspondence from Hospital and Health Services during the transitional period. This would usually be either the foster carer or Adoption Services. If this is a written communication it should be filed in the correspondence section of the clinical record. Prompt updating of the information system is very important to ensure the correspondence is correctly addressed.

3.2.5 At any time before the adoption, the child's birth parents will remain the legal guardians of the child until an interim order or final adoption order has been made. Therefore they have the same right to access their child's clinical record and request information from the child's record for this time period, through the appropriate channel and release mechanism, as any other parents. However, the correspondence and any other information that may identify the foster carer should not be included in the clinical record information released to the birth parents. Refer to the Right to Information Act 2009 and Information Privacy Act 2009 for detailed information.

3.3 Adopted child clinical record

3.3.1 When the adoption order is finalised, the adopted child will take the name of their adoptive parents (the legal guardians of the child) unless the Children's Court orders that the child retains his or her birth name after adoption. This might occur where a child is adopted by his or her foster family as a teenager and wishes to retain his or her birth name. If the child is subsequently admitted to the same or any other hospital for treatment and/or care, the child is to be registered under their adopted name with a new Unit Record Number or Medical Record Number. A new clinical record is

created under the adopted child's name as per any new registration and admission. The adopted child's clinical record is not linked to any information that is held in the pre-adoption clinical record. Where a child retains their birth name, once adopted, the record created prior to adoption will become inactive and not be linked to the new record.

3.3.2 The Hospital and Health Services play no role in providing information to people affected by adoption after an adoption order has been finalised. The Hospital and Health Service provides a copy of the child's clinical record held under the child's birth name on their discharge from hospital to Adoption Services. Adoption Services will manage any future information release of the adopted child's information that is held in the child's birth name, in accordance with the requirements of Part 11 of the Adoption Act 2009.

3.3.3 For clinical recordkeeping the Hospital and Health Service does not need to document that the child is an adopted child. The clinical record is to be managed as any other clinical record, including any future access and information release of the adopted child's information. The adopted child's clinical record is not linked to any information that is held in the birth name of that child. If clinical information is required, it may be provided at the discretion of Adoption Services. Adoption Services will provide the appropriate non-identifying clinical information to approved requestor/s, e.g. adoptive parents, at the time they adopt children and adopted adults (18 years of age) at a later time.

4. Related documents

Relevant legislation and associated documentation includes, but is not limited to, the following:

Legislation

- *Public Records Act 2002*
- *Adoption Act 2009*
- *Births, Deaths and Marriages Registration Act 2003*
- *Commission for Children and Young People and Child Guardian Act 2000*
- *Coroners Act 2003*
- *Electronic Transactions Act 2001*
- *Evidence Act 1977*
- *Financial Accountability Act 2009*
- *Hospital and Health Boards Act 2011*
- *Information Privacy Act 2009*
- *Judicial Review Act 1991*
- *Mater Public Health Services Act 2008*
- *Mental Health Act 2000*
- *Public Health Act 2005*
- *Public Service Act 2008*
- *Right to Information Act 2009*

Supporting documents

- Clinical Records Management Policy
- Assignment of Unique Unit Record Number Standard
- Health Sector (Clinical Records) Retention and Disposal Schedule Standard
- Managing the Clinical Records of Children Available for Adoption Standard
- Retention and Disposal of Clinical Records Standard

Related policy or documents

- Australian Standard ISO 15489-2002 Records Management
- Australian Standard 2828.1-2012 Health Records – Paper-based health records

- Australian Standard 2828.2(Int)-2012 Health Records – Digitized (scanned) health record system requirements
- Queensland Government Enterprise Architecture (QGEA), Department of Science, Information Technology and Innovation (DSITI):
 - Recordkeeping Information Standard IS40
 - Retention and Disposal of Public Records Information Standard IS31
- Department of Health
 - Documentation of Date and Time Entry in the paper based Health Record Guideline
 - Records Management for Administrative and Functional Records Policy
 - Documentation of Date and Time Entry in the paper based Health Record Standard
- United Nations Convention on the Rights of the Child

5. Definitions

Term	Definition	Source
Adoption order	A final adoption order or interim order.	<i>Adoption Act 2009</i>
Adoptive parent	A person who has adopted someone else under the relevant adoption laws A person who has adopted someone else under a final adoption order.	<i>Adoption Act 2009</i>
Approved foster carer	A person who holds a certificate of approval as an approved foster carer.	<i>Child Protection Act 1999</i>
Birth name	The name a child is given by his or her parents at birth.	
Birth parent	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.	<i>Adoption Act 2009</i>
Child	A child is an individual under 18 years.	<i>Child Protection Act 1999</i>
Clinical record	A collection of data and information gathered or generated to record the clinical care and health status of an individual or group. Also referred to as a Health Record, Medical Record, Healthcare Record.	Australian Standard AS2828.1 Health Records
Electronic clinical record	A health record with data structured and represented in a manner suited to computer calculation and presentation. NOTE: The intended meaning of electronic health record is emerging. When this term is used today it implies the ability to compute the content of the record. Electronic health records are often described as records able to represent a lifetime record of health and care. Electronic health records may include records created in electronic format (born-digital records), database entries and other entities as well as digitized health records.	Australian Standard AS2828.2 Health Records
Electronic Document Management Systems (eDRMS)	An automated system designed to manage semi-structured or unstructured content including text, images, and video content. A subset of documents managed in an eDRMS can be declared to be records. The eDRMS manages these records using a rigorous set of business rules which are intended to preserve the context, authenticity and integrity of the records.	Queensland State Archives Glossary of Archival and Recordkeeping Terms
Final adoption order	A final adoption order under part 9.	<i>Adoption Act 2009</i>

Term	Definition	Source
Interim order	An interim order under part 9.	<i>Adoption Act 2009</i>
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- <ul style="list-style-type: none"> (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. 	<i>Adoption Act 2009</i>
Recordkeeping	The act of making, keeping and preserving evidence of government business in the form of recorded information.	Queensland State Archives Glossary of Archival and Recordkeeping Terms
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: <ul style="list-style-type: none"> 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. 	<i>Public Records Act 2002</i>

Version Control

Version	Date	Comments
3.1	01 Jul. 2013	Approved.
3.2	12 Jun. 2015	Transferred information into new template and reviewed by Clinical Information Management.