

ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: August 3, 2000
Revised: July 22, 2005
Revised: April 23, 2010

Number: C-0302

Adoption Case Record Confidentiality

Purpose	To provide guidelines regarding confidentiality of adoption case records.
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Approved	This revised policy was approved by Mike Ryan, Director of CFS, on April 23, 2010. <i>Signature on file.</i>
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Background	<p>The Orange County Adoption Program, although part of Social Services Agency's (SSA) Children and Family Services (CFS) Division, is licensed as a separate entity. As such, documents received or created by the CFS Adoption Program are covered by a different set of confidentiality laws and regulations.</p> <p>Adoption records are kept apart from the balance of a child's CFS case record (legal and service files) and are physically secured for life in a separate location. Access to the adoption case record may require the filing of a Welfare and Institutions Code (WIC) 827 Petition with the Presiding Judge of the Orange County Juvenile Court prior to the release of information.</p>
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Legal Mandates	<ul style="list-style-type: none">• Family Code Section 8706 describes the disclosure, including content, of an adoptive child's medical background and non-identifying medical information regarding the child's biological parents• Family Code Sections 9200-9209 describes circumstances under which disclosure from the adoption case record can be made and restrictions on such disclosure• California Code of Regulations, Title 22, Division 2, Section 35049 addresses the release of information from the adoption case record including the release to Court for the preliminary assessment of the adoptive parents• California Code of Regulations, Title 22, Division 2, Section 35051 describes the process of providing a medical report from the adoption case record to the adoptee• California Code of Regulations, Title 22, Division 2, Section 35053 describes the conditions under which adoption case information may be disclosed to the adoptee• California Code of Regulations, Title 22, Division 2, Section 35055 describes the conditions under which adoption case information may be disclosed to the birth parent• California Code of Regulations, Title 22, Division 2, Section 35059 states under what circumstances the adoption petition may be disclosed to other Juvenile Courts and public agencies• Civil Code Section 1798.24 directs that no agency will disclose adoption information in a manner that would link it to the person that it pertains, absent specific requirements which may authorize that disclosure• Health and Safety Code Section 102635 states that a new birth certificate is created upon receipt of the order of adoption• Health and Safety Code Section 102645 states that the new birth certificate will exclude the name and address of the hospital where the adoptee was born and the color or race of the birth parents• Health and Safety Code Section 102680 states that the new birth certificate will be the only one available for public inspection• Health and Safety Code Section 102705 states that except for the birth certificate, all other vital records will only be available by order of the Superior Court
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Definitions

Adoption Case Record: The adoption case record is comprised of all adoption documents collected starting with the preliminary assessment of adoptability through post-adoption inquiries. The adoption case record is established when:

- CFS Adoption Program accepts a relinquishment of a child for an adoptive placement or a court terminates parental rights and refers the child for adoption planning
- CFS Adoption Program accepts a completed and signed adoption application from a prospective adoptive parent(s)

Confidentiality: The controlled dissemination of case record information to protect the rights of families against identification, exploitation, and embarrassment, as guaranteed by state and federal laws and regulations.

POLICY

General Principles

Provided below are general principles regarding adoption case record confidentiality. For specific situations regarding adoption case record confidentiality, see Attachment 1—Guidelines for Release of Adoption Case Records.

- A. The identity of individuals receiving adoption services will be confidential. This includes the child and prospective adoptive parent(s).
- B. All documents that comprise the adoption case record are confidential and will not be open to inspection, unless specifically authorized by statute or regulation.
- C. If adoption case records are subpoenaed, CFS Adoption Program Manager (PM) will notify County Counsel to seek guidance regarding release of the requested information.
- D. The Juvenile Court and CFS Adoption Program each maintain adoption files for the child (in addition to the dependency file). These files contain all adoption related information. Access to or disclosure of information from these files to persons not a party to the adoption requires an order from the Presiding Judge of Juvenile Court or the Judge of the Superior Court where the child was adopted.
- E. Adoptive applicant(s) information will not be released, except to:
 - Parties to the adoption (this includes the child, prospective adoptive parent[s], CFS Adoption Program, and attorneys representing those parties)
 - Persons requesting copies of information that they initially provided to CFS Adoption Program

- F. The preliminary assessment of the prospective adoptive parent(s) that is submitted as part of the 366.26 WIC Report will contain, per California Code of Regulations Title 22, Division 2, paragraph 35049, specific, non-identifying information. If Juvenile Court requires more specific or identifying information, such information will be provided to the Judge in chambers in order to maintain the confidentiality of the information.
- G. At the time adoptive placement papers are signed or prior to the adoption being finalized, all information regarding the child, except the birth parent(s) identity, will be fully disclosed to the adoption applicant(s). This includes, but is not limited to:
- Medical information on the child
 - Diagnostic information
 - Psychological evaluations
 - Scholastic information
 - Medical background of the birth parent(s)
 - Family history
- H. Upon the adoptee's 18th birthday, the adoptee and the birth parent(s) may contact CFS, under the California Department of Social Services (CDSS) Mutual Consent Program, to obtain the name and most current address of the other party. Release of this information requires the written consent of both the adoptee and the birth parent(s). CFS Adoption Program will not solicit consent.
- I. All requests for adoption case information will be submitted in writing. The requestor must provide proof of identification.
- J. For inquiries regarding information contained in the service file, refer to CFS Policy and Procedure (P&P) Confidentiality—CFS Client Records (F-0105).

Documentation

All documents containing adoption case information will be filed in the adoption case record on the appropriate Adoption Account per CFS P&P Case Filing (E-0102).

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- Attachment 1—Guidelines for Release of Adoption Case Records

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Confidentiality—CFS Client Records (F-0105)
- CFS P&P Case Filing (E-0102)
- CDSS Mutual Consent Program

Other Sources Other printed references include the following:

None.

REQUIRED FORMS

Online Forms Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Authorization for Release of Information	F063-25-228
Authorization for Release of Information (Spanish)	F063-25-228Sp
Psychosocial and Medical History of Child	AD 512
Consent for Contact	AD 904
Waiver of Rights to Confidentiality for Siblings	AD 904A
Waiver Of Rights To Confidentiality for Siblings-Under the Age of 18	AD 904B
Adoptions Information Act Statement	AD908
Adoptions Information Act Statement (Adult Adoptee)	AD908A

Hard Copy Forms Forms listed below must be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	