

CHAPTER 8: HEALTH CARE, CHILD WELFARE AND ADOPTION RECORDS: CONFIDENTIALITY AND ACCESSIBILITY

Introduction: Your records contain a lot of important information about you and the treatment and services you receive. These records can help you understand your past and get what you need for the future. This chapter gives you information about your child welfare, health, behavioral health, and adoption records.

Who can release or control access to my health records?

- At age 18, you have control of your own health records, which include physical and behavioral health. Before then, a parent or guardian usually controls access to those records.
- There are some important exceptions to this rule. Remember that there are some treatments and care you can consent to on your own without a parent, guardian, or the court. In those cases, you control the release of records related to those services.
- Even if your medical records aren't released, the services you receive can show up on your medical insurance or medical bills.

Child Welfare Records: Confidentiality and Accessibility

Who gets to see my child welfare case record and what's in it?

- Your family case record contains information about you, your family, and your case. The file is kept at the county child welfare agency while the case is open and is retained for five years after the case is closed.¹
- The information in your file is confidential and can only be released to specific people and agencies, including your lawyer, your parents, your parents' lawyer(s), and the judge. County executives may also request to see your file.² The court can also order that information in the case record be released to particular people. If that is done, it is usually to share information that is needed to provide for your care.

How can I request to see my child welfare case record?

- If you are 14 or older, you can request to see your family case record.³
- You should make the request to the county child welfare agency director and the lawyer for the children and youth agency (the solicitor) in the county where you were in foster care.

- The child welfare agency may decide to not share all information in the family case file if they think the information would be harmful to you.⁴ If this happens, they should explain to you why they think seeing parts of the record would be harmful to you.
- Ask your lawyer or caseworker to help you make this request.
- Seeing information in a family case record can be emotional and difficult. Please ask for support if you decide to review your family case record so you have help in processing the information and understanding it.

Can my caseworker release information in my records without my permission?

- In most situations, only a few people and agencies can have access to your family case record. This includes your lawyer, your parents, your parents' lawyer(s), and the judge. County executives may also request to see your file.⁵
- Your caseworker can release, even without your or your parents' consent, some general information to:
 - **Health care providers:** Information from your records may be released to a healthcare provider, but only when that information is needed for your treatment.
 - **Foster parents:** A law called the Resource Family Care Act allows your foster parents to have access to some information about your medical, behavioral, familial, and educational history. The information shared with your foster parents is meant to help them provide good care for you.⁶
- **However, records of specific types of medical treatment in your file can only be released with your consent.**

What information is in my adoption record?

- The date of your adoption determines how much information is contained in your adoption record.⁷
- **If you were adopted before April 25, 2011, your information may be in a registry called the Adoption Medical History Registry.** Birth parents and adoptees could voluntarily submit information about medical or social history, in addition to any other identifying information. However, there may not be a lot of information on adoptions that were finalized before April 25, 2011.⁸
- **If you are adopted after April 25, 2011, you may have access to more information. That is when a law, Act 101 of 2010, went into effect.** Act 101 requires that more information is collected and kept for adoptions that are finalized in Pennsylvania. The law created a new registry, the Pennsylvania Adoption Information Registry (PAIR).⁹ Child welfare agencies and the court use PAIR to register and update information about children adopted in or registered in Pennsylvania. The adoptee (you), adoptive parents, birth parents, adoption agencies, and the court system all provide the information collected in PAIR. This may include:
 - Information about your biological family's medical history

- Information about your adoption and your adoptive parents
- Your child welfare history, including different placements and history of abuse/neglect
- Your educational history
- Your original birth records.¹⁰
- Some records will include identifying information, such as name and contact information, while other records will not include identifying information.¹¹
- You can request information from the registry by contacting PAIR at 1-800-227-0225.

I was adopted in Pennsylvania. When and how can I access information in my adoption records?

- You may be able to access some information from your adoption record once you turn 18.¹²
- If you are eligible to request information from PAIR, fill out the Act 101 CY983 Request for Adoption Information Form.¹³ Print out the form, complete it, and mail it to: Pennsylvania Adoption Information Registry, P.O. Box 4379, Harrisburg, PA 17111-0379. Keep a copy for your records.
- If the information you request is in PAIR, they will send it to you within 30 days.¹⁴
- If the information is NOT in PAIR, you will get a letter within 30 days telling you that the information is not available.¹⁵
- If you are told you need to pay a fee and cannot, ask that the fee be waived (not charged for you). The law allows the court or agency to charge reasonable fees to provide information from adoption records.¹⁶ If it would be difficult for you to pay these fees, make sure you let the agency know about your situation. They may be able to help.

¹ 55 Pa. Code § 3130.43(d).

² 55 Pa. Code § 3130.44(d).

³ 55 Pa. Code § 3130.44(d)(5).

⁴ 55 Pa. Code § 3130.44(d)(5).

⁵ 55 Pa. Code § 3130.44(d).

⁶ 11 Pa.C.S.A. § 2604.

⁷ See 23 Pa. C.S.A. § 2924. The State's current registry of information on adoptions began in 2011 whereas the State used a different registry system previously. See also Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 1-2 & 22 (April 22, 2011),

https://www.dhs.pa.gov/docs/Publications/Documents/FORMS_AND_PUBS_OCYF/OCYF_3350-11-01.pdf.

⁸ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01 (April 22, 2011),

https://www.dhs.pa.gov/docs/Publications/Documents/FORMS_AND_PUBS_OCYF/OCYF_3350-11-01.pdf.

⁹ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 16-17 (April 22, 2011),

https://www.dhs.pa.gov/docs/Publications/Documents/FORMS_AND_PUBS_OCYF/OCYF_3350-11-01.pdf; see also

RESOURCES FOR ADOPTEES AND THEIR BIRTH FAMILIES, PENNSYLVANIA ADOPTION INFORMATION REGISTRY,

<http://www.adoptpakids.org/Documents/PAIRBrochure.pdf>.

¹⁰ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 16-17 (April 22, 2011),

https://www.dhs.pa.gov/docs/Publications/Documents/FORMS_AND_PUBS_OCYF/OCYF_3350-11-01.pdf.

¹¹ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 19 (April 22, 2011),

https://www.dhs.pa.gov/docs/Publications/Documents/FORMS_AND_PUBS_OCYF/OCYF_3350-11-01.pdf (" . . .

adoptees, adoptive parents and birth parents may authorize the release of identifying information and may amend or withdraw their authorization to release identifying information at any time by updating their information with the PAIR.”).

¹² Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 20 (April 22, 2011), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS AND PUBS OCYF/OCYF 3350-11-01.pdf>.

¹³ PENNSYLVANIA ADOPTION INFORMATION REGISTRY REQUEST FOR ADOPTION INFORMATION, PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES, http://www.adoptpakids.org/Documents/Act101_CY983_RequestForAdoptionInfo.pdf.

¹⁴ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 20 (April 22, 2011), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS AND PUBS OCYF/OCYF 3350-11-01.pdf>.

¹⁵ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 20 (April 22, 2011), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS AND PUBS OCYF/OCYF 3350-11-01.pdf>.

¹⁶ Implementation of Act 101, Office of Children, Youth and Families Bulletin, 3350-11-01, 20 (April 22, 2011), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS AND PUBS OCYF/OCYF 3350-11-01.pdf>.