

Policy on Confidentiality

General Rule

The Agency shall maintain the confidentiality of all information in all client case records. Confidential information is both *identifying* and *non-identifying* information regarding the child, birth parents, foster parents, adoptive parents, adult adoptees, and all other persons residing in the adoptive parents' home. Persons listed below may have access to non-identifying information in the adoption records. Only in limited circumstances or with the consent of the subjected party may a person be given identifying information.

Staff members or persons associated with or working in cooperation with the Agency shall not disclose or knowingly permit the disclosure of any identifying information concerning the child, birth parents, foster parents, adoptive parents, or adult adoptees to any unauthorized person(s).

Collection of Information

New Beginnings only collects and uses information received on adoptive parents and adoptees for the purpose it was gathered and only discloses that information as outlined below. The Prospective adoptive parents understands and consents to the professional exchange of their information between New Beginnings and the local home study agency. (See Adoption Service Agreement, Terms and Conditions, paragraph 9.)

Who Can Request Information?

Persons who may request access to confidential information:

- An adoptee who is at least 18 years of age.
- An adoptive parent of an adoptee under 18 years of age, adjudicated incapacitated or deceased.
- A legal guardian of an adoptee under 18 years of age or adjudicated incapacitated.
- A descendant of a deceased adoptee.
- The birth parent of an adoptee who is at least 21 years of age.
- A parent of a birth parent of an adoptee who is at least 21 years of age if the birth parent consents, is adjudicated incapacitated, or is deceased.
- A birth sibling of an adoptee, if both the birth sibling and adoptee are at least 21 years of age, and:
 - the birth sibling remained in the custody of the birth parent and the birth parent consents, or is deceased or adjudicated incapacitated;
 - both the birth sibling and adoptee were adopted out of the same birth family; or
 - the birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

Making a Request

The above persons can request confidential information by submitting a request online or in writing with verification of their identity.

Non-Identifying Information

Non-identifying information is generally in the file and retrieved in a file review. New Beginnings may disclose non-identifying information to the above people on request. Non-identifying information includes age; circumstances surrounding the placement, family composition, religion, education, nationality, employment history, medical history, social history, developmental history, talent, or hobbies.

Redaction

When releasing non-identifying information, New Beginnings' staff should consider if the information released could easily lead to the identification of the individual or compromise the confidentiality of the relationship between the adoptee and the adoptee's birth parent. If so, the information should be limited or redacted.

Disclosure of Identifying Information (Searches)

Adoptees, adoptive parents, or birth family members generally initiate the search request for identifying information. New Beginnings will release this information only when we have informed consent of the subject of the request. Identifying information of the adoptee or adoptive family will not be released without the prior written consent of the adoptee or the adoptive parents if the adoptee is under 18. Identifying information of the birth family will not be released without prior written consent from the birth family.

If the requester is an adoptee seeking information about a birth parent and the birth parent is deceased, New Beginnings may release information on the deceased birth parent. If the adoptee was placed internationally, the release of the deceased birth parent's information must also be permitted by the foreign authorities in which the child immigrated. No information that is prohibited by law in the US or the foreign country shall be released.

The Agency shall not verify or give the adoptive parents the names of the birth parents without the written permission of the birth parents, even though the adoptive parents may have learned of the identity of the birth parents before or after the adoption plan was made. (N.J.A.C.3A:50-3.6 (a) (5) (v.)

Contact Request

A person who may be the subject of a request, such as an adoptee, adoptive parents, or birth family, may submit a contact request before and in anticipation of a contact request. When there is a contact request, the contact preferences should be followed. Contact preferences would include:

- I want to be contacted.
- I prefer to be contacted only through an intermediary.
- Please do not contact me.

The person making the contact request must have their identification verified. The contact preference can be changed.

Request to Update the Information

Anyone requesting confidential information can and should update their medical, social, or personal information. They can indicate possible contact preferences or change contact preferences previously submitted. New Beginnings will not release identifying information without the informed consent of the subject of the request.

Release on Adoptive Parent's Information to Adoptee

Adoptees cannot receive from the New Beginnings information about the adoptive parent without their written authorization.

Adoptive Parent's Request for Their Information

The prospective adoptive parent or Adoptive parent may request, at any time during and after the adoption process, copies of any documents they have submitted to the Agency as well as copies of the adoptee's information provided by the foreign agency.

Personal Property

All personal property including letters and photos of adoptee may be requested by the adoptive parents or adoptee, if over 18. No information regarding the identity of the birth family will be released without prior written consent from the birth family or when prohibited by law.

Inspection of Records by Authorized Persons

Authorized Persons may have access to client files for review and inspection. All adoption records shall be available for inspection within a reasonable amount of time by Authorized Persons. Authorized persons are:

- State representatives involved in child abuse or neglect investigations, or as otherwise authorized by statute;

- Office of Licensing representatives or designees engaged in review activities related to certifications;
- The accrediting entity engaged in review activities related to Monitoring and Oversight;
- The Department of State as requested;
- Staff members of other agencies acting within the scope of their employment;
- Representatives of adoption agencies or the social welfare or law enforcement agencies exchanging information regarding individuals in the care or legal custody of one of the agencies;
- Persons named in court orders for this purpose; and
- A successor agency approved to retain agency record.

The Agency may disclose identifying information to bona fide researchers who have received written permission from the State Adoption Authority or under the direction of the Department of State. To establish the research is bona fide, New Beginnings can request the research plan. The release of information is subject to any restrictions and limitations set by the Authorized person. The researcher(s) must agree to maintain the confidentiality of the child, birth parents, foster parents, adoptive parents, or adult adoptees.

Staff Confidentiality Agreement

All employees of the Agency shall maintain strict confidentiality with all information concerning Prospective Adoptive Parents, Adoptive Parents, adoptees, and other employees. Employees will not discuss confidential information with anyone not directly involved in the New Beginnings, home study agency or worker, or a foreign services provider.

Policy on Post-Adoption Services

The Policy on Confidentiality is meant to supplement and not replace our Policy on Post-Adoption Services.