DIVISION OF CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO #20-2011

To:	All Children and Family Services Staff
From:	Christine Hanus, Child Welfare Administrator Division of Children and Family Services
Approved by:	Scot L. Adams Ph.D., Interim Director Division of Children and Family Services Department of Health and Human Services
Date:	December 19, 2011
RE:	Review of Child's File By Adoptive Parent(s)
Effective:	Immediately and until revised or regulations are issued
Contact:	Deanna Brakhage, Children and Family Services, Adoption Specialist, at (402)471-9331 or deanna.brakhage@nebraska.gov or Margaret Bitz, Children and Family Services, Policy Section, at (402)471-9457 or margaret.bitz@nebraska.gov.

Purpose: The purpose of this memo is to provide instructions for review of the child's file by adoptive or prospective adoptive parents.

Background: 390 NAC 1-007 addresses Confidentiality and Release of Information. The opening paragraph states, "Information shared with the Department doesn't require any signed release. It will be provided based on the person's need to know and his/her involvement with the child or family." Section 1-007.14 states that once an adoption decree has been issued and the case is closed, the file is considered sealed, placed in the DHHS vault, and accessible only to designated staff, and also directs the reader to the Adoption Services Guidebook for additional information on sharing. The Guidebook explains when information should be shared with prospective or finalized adoptive parents.

In the 2011 Session, Neb. Rev. Stat. 43-107 (3) was amended to include provision for adoptive parents of DHHS wards to read the child's file prior to or after finalization of the adoption, and to require DHHS to provide a document to verify that the opportunity was given. This provision became effective on 8/27/11 and applies to any adoption for which the petition was filed on or after that date.

Required Action:

1. After the filing of a petition and before entry of the decree, DHHS will:
    - Assure that discussion has been held with each adoptive parent of a DHHS ward to explain that the parent has the right to read the file maintained by DHHS on the child, either prior to the entry of the decree or at any time in the future. If the parent wants to read the file, DHHS will assure that arrangements are made to do so.
    - Provide the adoptive parent with the DHHS-designated form that documents that the opportunity was given, and request that the adoptive parent complete, sign, and date the form. (The form is found at the end of this memo.)
    - Provide a copy of the completed form to the adoptive parent's(s') attorney for filing with the Court prior to finalization of the adoption. (This form will become part of the Court record.)
    - File a copy of the completed form in the child's file.
2. After the entry of the adoption decree, DHHS will:
    - Make arrangements with the adoptive parent(s) to review the file that DHHS maintained on the child prior to the adoption, upon written request of the adoptive parent(s).
    - Narrate on N-FOCUS the date the adoptive parent(s) read the file, and any questions or comments from the adoptive parent.
3. Prior to allowing the adoptive parent(s) to read the file, DHHS will:
    - Remove any materials that cannot be released based upon state statute, federal statute, federal rule, or federal regulation. Examples of such materials are medical reports, including mental health reports, for the birth parents (this material can be summarized); CPS reports that contain the name of the reporter; and information related to a delinquency or statutes offense by a family member when that information has been sealed by the court.

It is expected that full disclosure of information about the child and his or her background will have occurred long before the adoption petition is filed, and, in fact, before the prospective adoptive parent made a decision to commit to adoption. Despite that fact, the adoptive parent should be encouraged to read the file as an assurance that s/he has all available information about the child for s/he now is the parent, and to provide the opportunity to raise and answer remaining questions.

Process:

- Requests by adoptive parents after finalization can be made to local office Child Welfare staff or to Central Office, and either local office or Central Office staff can make arrangements for them to read a file. It is recommended that a case manager or Central Office staff person knowledgeable about adoption be available to the adoptive parent(s) prior to, during, and after their reading of the file, for purposes of answering questions and discussing issues raised by the adoptive parent.

REVIEW OF CHILD'S FILE
PRIOR TO OR AFTER FINALIZATION
OF ADOPTION
Per Neb. Rev. Stat. 43-107 (3)

I, _____, have been given the opportunity to
(adoptive parent)

read the file maintained by DHHS for _____,
(name of child prior to adoption)

the child I am planning to adopt. I understand that I also have the right to read the file at any time following the adoption of my child, upon making a written request to the Department.

I understand that the information provided to me to read will not include any information or documents that DHHS determines cannot be released based upon state statute, federal statute, federal rule, or federal regulations.

_____ _____
Signature of Adoptive Parent Date

_____ _____
Signature of Adoptive Parent Date