

# North Carolina Infant-Toddler Program Procedural Guidance

Reference: Procedural Safeguards Policy

## *Adoptions*

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### **Introduction**

A child served by the Infant-Toddler program will sometimes be adopted while enrolled in the program. For some of these children, the adoption will involve a change to the child's name and to their Common Name Database Services (CNDS) ID number. For others, the CNDS ID number will not change, while the name may or may not. This procedure document describes the activities and responsibilities of CDSAs when a child served by the program is adopted under either of these circumstances.

### **Adoptions with CNDS ID change**

When an adoption accompanied by a change in the child's CNDS ID occurs (i.e., closed adoptions), in order to protect the birth identity of a child and the identity of the birth family, all records and all indices of records on file with the court, a service provider, or the state must be retained permanently and sealed when the adoption becomes final. It is the CDSA's responsibility to ensure that any report or other information released after an adoption becomes final is edited to exclude the name, address, or other information that could reasonably be expected to lead directly to the identity of an adoptee at birth or an adoptee's parent at birth or other members of the adoptee's biological family.

The following procedure must be followed by all Infant-Toddler Program service providers when an adoption occurs and the child's name and CNDS ID change:

1. It is the responsibility of the Early Intervention Service Coordinator (EISC) to notify the Medical Records staff at his/her CDSA about the pending adoption of a child as soon as the EISC learns of it. It is the responsibility of the CDSA to notify all relevant service providers of a child's adoption, remind them of record requirements related to adoptions, and provide assistance to the service providers in meeting the requirements in this procedural document, as needed. This includes notifying any other CDSAs where the child was previously referred or enrolled so that the child's files at those CDSAs can be sealed. (If you are unsure whether a child had been previously referred or enrolled at another CDSA, please contact the Data Team at the Early Intervention Section.)
2. The child's existing Infant-Toddler Program paper record must be closed. All information that is in the existing record at the time of adoption stays in the closed record and remains in the child's pre-adoptive name.

3. A copy of the “Decree of Adoption” signed by the Judge must be obtained by the EI Service Coordinator and filed in the original record so that there is legal documentation that the adoption has been finalized. The date and decree # must be on the decree. The final progress note in the existing record (e.g., the pre-adoptive record) must state that the adoption has been finalized, a copy of the adoption decree has been placed in the record, and the record is being closed. The closed record is to be sealed immediately. The child’s name may not appear on the outside of the file. The outside of the file is to be marked as sealed pre-adoption records so that CDSA and state archives staff are informed that the file cannot be opened without court order and that rules pertaining to retention of pre-adoption records apply to the file.
  - a. The date the adoption is finalized is a key date within the adoption process. Once a copy of the adoption decree is obtained, all documentation prior to this date must be filed in the original chart. All documentation on and after this date is to be filed in a new chart with the child’s new name.
  - b. In instances where the family is having difficulty providing or has refused to provide a copy of the adoption decree, the EISC can attest in a progress note that they have seen the adoption decree. The progress note should include the child’s new name, name of their new legal guardian(s), the date the adoption was finalized, and all efforts to obtain a copy of the decree. The EISC should continue to make efforts to obtain a copy of the adoption decree from the family.
  - c. In instances when the child’s name is changed in HIS/NC Tracks prior to CDSA staff being notified the adoption has been finalized, billing should be held until the adoption decree is obtained and/or seen by the EISC. All billing for services prior to the date the adoption was finalized should be billed in the child’s pre-adoptive name.
  - d. The original chart should not be sealed until a copy of the adoption decree has been received.
4. An entirely new and separate Infant-Toddler Program record must be opened in the child’s adoptive name.
  - a. This includes creation of a new ITP record folder and assignment of a new record number, if the CDSA assigns record numbers that are different from the child’s CNDS ID number.
  - b. Copies of the child’s most recent evaluations, current Individualized Family Service Plan, and any other information critical to providing services to the child (e.g., progress notes, the original North Carolina Infant-Toddler Program Data form, service orders, medical records) may be transferred to the new record. However, the child’s pre-adoptive name and any other information that could possibly lead to the identity of the biological parents must be blacked out or otherwise obscured completely. This includes the names of any family members: biological, foster, or through marriage. The child’s adoptive name must be written above the blacked-out name with the person making this change initialing and dating the change just like any other corrections in a record. A new IFSP may be written using the child’s adoptive name and adoptive parents’ name(s).

- c. Once the new record is created, the pre-adoption record is to be sealed and archived.
- d. A new ***North Carolina Infant-Toddler Program Referral Form*** must be completed in the child's new name, but the original dates of referral and eligibility determination must be used.
- e. A new record must be entered in the *Health Information System (HIS)* with the child's adoptive name under their new CNDS ID number.
- f. The initial record should be closed on the ITP Transition/Exit screen in HIS with the exit reason as "Adopted with SSN change".
- g. A new North Carolina Infant-Toddler Program Financial Data Collection Form and Financial Consent Form must be completed based on the adoptive family's information.
- h. The billing and services may be interrupted as a result of the Medicaid system not updating the CNDS ID (Medicaid) name change in HIS. It is solely the parent's responsibility to ensure that the child's information has been updated through Medicaid/DSS when the adoption decree is final. It is not the responsibility of NC ITP to communicate with Medicaid/DSS regarding the adoption.
- i. The CDSA must delete the initial Child Outcomes Summary (COS) data from the pre-adopted name and re-enter the initial COS data under the adopted name." (If the child has been referred/enrolled numerous times and you are unsure what to do with the child's COS data, please contact the Data Team at the Early Intervention Section.)
- j. It is not necessary to state in the new record that the child has been adopted; however, this may be included as appropriate (e.g., a report may state that medical history is unknown because the child was adopted.)
- k. All documentation from the point in time at which the service provider has legal proof that the adoption has been finalized must be in the child's new name only.
- l. The service provider must establish some internal mechanism for cross-referencing the two records that exist on a child so that information from the old record may be retrieved at a later date, if necessary. This cross-referencing must be placed on the log of assigned record numbers that is kept by the service provider or in some other internal listing of clients, but never in the child's new record. If the service provider has any questions about how to complete these tasks, they should contact the child's CDSA.

### **Adoption where CNDS ID does not change**

For children who are adopted but their CNDS ID number does not change (e.g., some extended family member adoptions or adoptions by step-parents), CDSAs are advised to change the child's name using the existing CNDS ID from the old to the new adopted name *in HIS only*. Hard copy files should be maintained consistent with ITP policy and procedural documents noted above.

1. Use the Update Client Data form in HIS and change the child's name from the pre-adoption name to the post-adoption name. Change all address/contact information accordingly. (Do not complete this step until all billing has been completed under the child's pre-adoption name.)

2. Update information on the Financial Investigation form and Cross Episode Financial Eligibility forms to reflect the adopters financial and insurance information.
3. Use the Ambulatory Progress Notes to document that the child's name changed due to an adoption. This allows anyone reviewing the child's progress notes to understand why the child's name is different before and after a certain point in the record.
4. If the CNDS number does not change, then the COS data will be linked with the CNDS number regardless of the name change. No change in COS data is required.
5. If a new record has been created for the child in HIS under a new CNDS ID, all records will need to be merged into the record of the pre-existing CNDS ID.