

Child Welfare Records

If you (or a member of your family) spent time in care, there may be records that were created about or relate to you. The state government and community services organisations are the 'custodians' of these personal records.

These records are not available publicly, but if the records are about you, you have the right to access them.

There can be expectations that records will:

- Provide answers to questions they have about their childhood
- Give detailed, accurate information about their time in 'care'
- be provided in a timely way

Often, these expectations will not be met.

[Past record keeping practices](#) of Government departments and 'care' providers were primarily for administrative purposes rather than to keep an accurate record of significant events. Older records are often superficial, inaccurate, or incomplete. The language used in the records can also be cruel or use unacceptable language and based on misconceptions about morality, character, and ability.

The records kept and the information recorded will vary according to the time period you were in 'care', what sort of institution you were in, the policies and practices of different 'care' providers, and even the individual staff members keeping records.

Some people find that their years in 'care' only generated a few lines of writing. Other people are presented with [reams of information](#) (although it will [not necessarily be an accurate reflection](#) of one's experiences).

If you were not a ward of the state, there may be records held by the non-government agency that holds the records from your 'care' provider. In some instances, the available records may only be the admission and discharge record.

The search for records can be complicated and frustrating – but there are [many different organisations](#) that can help you find information about your time in 'care', locate and access any personal files that might exist, and [support you throughout the process](#).

There is support available for people searching for family or wanting to meet and share stories with others who shared time in care. Some support groups also advocate on behalf of 'care' leavers or provide counselling.

Emotional impacts of accessing files

Many people who read their records are not prepared for the emotional impacts which can include anger, hurt, confirmation or relief.

Some people find that their files are not just [full of bureaucratic facts and figures](#) but contain records that evoke the pain of a child being removed from family. Sometimes the contents of the file will contradict the way you remember the past. It might contain information that was kept from you as a child, or reveal that you were lied to when you were in 'care', this can include finding letters from family members that were never passed on to you,

or letters that you had written, or the knowledge that family members or parents had tried to visit or reclaim their children.

Records often contain negative, derogative, and even offensive language to describe the child and his or her family.

"Many of us find our personal records are almost entirely negative. Care Leavers often search their records in vain for positive achievements, but the archives are brimming with examples of our minders' low expectations. Some of us who are perfectly intelligent have found in our records that we were described as 'slow-witted', even 'low-grade mental defective'."

Frank Golding, ['Our side of the story'](#) 2016

Seeking access to your records can also lead to positive experiences. You can find clues or even answers to questions of identity. Records can help if you have gaps in your own personal history, especially about your childhood. Also, it can lead to reconnecting with friends from your childhood. Some people find it helpful to attend reunions of the home where they lived as children, or get-togethers organised by support groups.

What if there is no personal file?

Some records created by institutions have been lost or destroyed, but there are [other historical records](#) that might contain information that helps you to understand your time in 'care' – newspaper articles, photographs, books and oral histories can be valuable resources.

The Law and access to records

Different laws relating to privacy and freedom of information apply in [each state and territory](#), and depend on whether records are in the custody of a government department, or held by a past or current care provider organisation.

Legislation in each state and territory requires the government to keep the personal records of children who were in 'care' permanently. Usually the internal policy of an organisation states that the 'care' provider must also keep its client files permanently. Inquiries like 'Forgotten Australians' and 'Bringing them home' have also stipulated that these records are never to be destroyed.

The organisation that created the records is accountable for its actions as your former guardian, and in many cases will have kept the original copies of the records. In the case of some records on your file (like personal letters, school reports, photographs) you can request the community service organisation give the original records to you, and keep a copy for its files.

The government or a community service organisation might be the custodian, but you have a [right to request access to records](#) if they contain information about you.

You may also be given the opportunity to add information to the files an organisation or government department has about you, as a way of completing the picture, and making sure that your voice is included.

In the case of other people's records, for example a sibling or parent, you can access those parts of the file that contain information about you. You might find that your access to some information in the records (yours and other people's files) is restricted, because of the interpretation of privacy or freedom of information legislation. Usually, it is information about 'third parties' – meaning people other than yourself – which you may not be

permitted to see.

The need to protect third party information is sometimes at odds with the need people have to find information about family members. In the case of government records, there are formal avenues to appeal any information that is exempted from the file and these appeal rights are outlined when records are provided.

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