

Testimony on House Bill 162

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Good morning, Chairwoman Watson, Chairman Conklin, committee members and staff. I am Cathy Utz and I serve as the Deputy Secretary for the Office of Children, Youth and Families (OCYF) in the Department of Human Services (DHS). I would like to thank you for the opportunity to testify today regarding the very important matter of adoption.

House Bill 162 proposes to amend Title 23, Chapter 29, of the Pennsylvania Consolidated Statutes. This legislation would permit adoptees age 19 or older, and descendants of deceased adoptees, to apply for a noncertified copy of an adoptees original birth record from the Department of Health (DOH). It would also establish a process under the DOH for birth parents to submit updated health information and indicate their preference regarding whether they want to be contacted directly, through an intermediary, or not at all, by an adult adoptee who is their birth child.

The vision of DHS is that all children and youth grow up in a safe, loving, nurturing, permanent family and community. We know that the legal process of adoption affords many children and youth this opportunity. We support many of the general concepts proposed by this bill including a process that allows birth parents to provide updated health information, the availability of a birth parent's health information to adoptees and the descendants of deceased adoptees, and the option for birth parents to delineate whether they want to be contacted directly, through an intermediary, or not at all by an adult adoptee who is their birth child.

DHS applauds the intent of House Bill 162 in supporting opportunities for adoptees, adoptive families and birth families to have access to information. We believe that the amendments to the Adoption Act created by Act 101 of 2010 made great strides in this direction. Act 101 required the DHS to establish a Statewide confidential information registry. The

Pennsylvania Adoption Information Registry or PAIR as it is commonly referred to, receives, permanently maintains, and disseminates three types of information pertinent to adoptions that are finalized or registered in the Commonwealth: medical and social history information; authorizations for the release of identifying information; and contact preference information.

In the four short years that Act 101 of 2010 has been in effect, the PAIR has received information on over 6,000 adoptions. As courts, agencies and individuals continue to submit information to the PAIR, the number of adoptees and their descendants who can access information and/or establish contact with members of their birth family will continue to rise. Rather than risk diverting information from the PAIR by creating a duplicative process for parents to file health information and contact preference data with DOH, DHS respectfully suggests an amendment to House Bill 162 that would alleviate DOH of this responsibility. DHS believes that adding language to create an opportunity for DOH and DHS to exchange this information would achieve a similar intent.

Since April 25, 2011, three entities are required to submit medical and social history information to the PAIR: courts that receive information from a parent whose rights are terminated, public and private adoption agencies, and individuals licensed by DHS to provide adoption services. Birth parents, survivors of a deceased birth parent, adoptees who are at least 18, and adoptive parents of an adoptee under 18, may also provide medical and social information to the PAIR. In addition to submitting medical and social history information, these same individuals can also authorize the PAIR to release identifying information about themselves to individuals eligible to request information from the PAIR. Birth parents and survivors of a deceased birth parent can also indicate to the PAIR whether or not they wish to have contact with a birth child; while adoptees and adoptive parents of an adoptee under 18 can

indicate whether or not they wish to have contact with specified members of an adoptees birth family. Information and authorizations submitted to the PAIR relating to the release of identifying information and contact preferences may be updated by an individual at any time.

Since Act 101 of 2010 became effective, the PAIR has received 5,774 medical and social history summaries provided by courts and agencies that facilitated or registered an adoption in the Commonwealth. In addition, 374 adoptees and 318 birth family members have also registered information with the PAIR. This information is maintained at the PAIR and shared, in accordance with the authorization on file, with adoptees and birth family members as requested by them in the future.

In addition to registering information, the PAIR also responds to written requests for information, including contact information, available on adoptees, birth parents, and birth siblings. Non-identifying medical and social history information is defined as information that does not compromise the confidentiality of the relationship between the adoptee and the adoptee's birth parent; and this information, if on file with the PAIR, is always released to an eligible requestor. Identifying information, including contact preference information, is shared with an eligible requestor when both the information and the appropriate authorization are on file with the PAIR. If there is no authorization on file with the PAIR to release identifying information, the PAIR will recommend the requestor contact the court which finalized the adoption, or the agency licensed by the DHS that managed the adoption, in order to request a search.

To date, the PAIR has received requests for information from 709 adoptees and 112 birth family members. Fifteen birth family members and adoptees have been successfully "matched"

through the PAIR, meaning they had their information shared with each other. As the information and requests submitted to the PAIR are permanently maintained, the opportunity for matches is ongoing, but in order for additional matches to occur, adoptees, birth parents, adoptive families, and birth family members must continue to file information with the PAIR.

Adoptees, descendants of deceased adoptees, and birth families are also able to file requests for information or contact with the court which finalized the adoption, the agency which coordinated the adoption, or the successor agency. Courts and agencies are permitted to charge reasonable fees for the services associated with fulfilling these requests. Similar to the PAIR, courts and agencies are able to fulfill requests for non-identifying information if information is contained in their records. Unique to courts and agencies, is their ability to appoint an authorized representative to assist in fulfilling requests for information and/or make contact with individuals.

An authorized representative is someone experienced in providing adoption services who has completed a standardized training program through DHS. Each court and agency appoints at least one individual as an authorized representative to carry out the requirements of the Adoption Act. If need be, courts and agencies may contract with an authorized representative for their services. There are currently 354 trained authorized representatives available to courts and agencies throughout the Commonwealth. The next DHS training is scheduled for this month.

When a court or agency finds that they have no medical or social history information on file, or an authorization to release identifying or contact information is not on file, an authorized representative may be appointed to engage in a search. Agencies and courts may decline to search if they are satisfied that a request could cause physical or emotional harm to the

requesting individual or others, or if the requestor fails to pay the reasonable costs associated with the search. Searches must be conducted in such a way that no individual other than a birth parent is informed of the adoptee's existence and relationship to the birth parent. Searches begin with a thorough review of court and agency records and require the authorized representative to contact the PAIR, as well as other courts or agencies listed in the record, to ascertain if the subject of the request has filed an authorization to release their information. If an authorization is found, the identifying information is furnished to the requestor. If an authorization is not located, the authorized representative uses a myriad of resources and techniques to try and locate the subject of the request. If the subject is located, the authorized representative must secure written consent before information is released or contact between the parties is made. If the requestor is an adoptee seeking the identity of a birth parent, the identity of a deceased birth parent may be disclosed. Data related to the number of requests for information and/or contact received and fulfilled by courts and agencies is currently maintained at the county level and is not available to DHS.

DHS fully supports allowing birth parents, adoptees and adoptive families to specify a preference for contact with one another through an intermediary. We stand ready and willing to amend the PAIR forms to reflect this contact preference option, and we are committed to working with the General Assembly to identify ways in which DHS might support intermediaries and authorized representatives in this work. In closing, on behalf of DHS, I would like to thank you for your dedication to the children and families of Pennsylvania and for allowing us this opportunity to share our thoughts today.