

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 548

Session of  
1981

INTRODUCED BY FREIND, ARTY, GANNON, ALDEN, E. Z. TAYLOR,  
J. L. WRIGHT, LEVIN, CALTAGIRONE, VROON, TRELLO, GRAY, PUNT,  
JACKSON, ROCKS, MICOZZIE, LETTERMAN, MCINTYRE AND McVERY,  
FEBRUARY 10, 1981

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 10, 1981

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, providing a procedure for access by an  
3 adoptee to certain information concerning his natural parents  
4 and making certain repeals.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 2905 of Title 23, act of November 25,  
8 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated  
9 Statutes, added October 15, 1980 (No.163), is amended to read:

10 § 2905. Impounding of proceedings and access to records.

11 (a) General rule.--All petitions, exhibits, reports, notes  
12 of testimony, decrees, and other papers pertaining to any  
13 proceeding under this part or former statutes relating to  
14 adoption shall be kept in the files of the court as a permanent  
15 record thereof and withheld from inspection except on an order  
16 of court granted upon cause shown or except as otherwise  
17 provided in this section. Any report required to be filed under  
18 sections 2531 (relating to report of intention to adopt) and

2535 (relating to investigation) shall be made available to parties to an adoption proceeding only after all identifying names and addresses in the report have been extirpated by the court.

(b) Petition to court for limited information.--Upon petition by any adoptee at least eighteen years of age to the court in the judicial district in which the permanent records relating to the adoption have been impounded, said court shall furnish to the adoptee as much information concerning the adoptee's natural parents as will not endanger the anonymity of such natural parents. All such information shall first be reviewed in camera by the court to insure that no information is revealed which would endanger the anonymity of the natural parents; and the court shall, upon motion of the adoptee, examine the entire record to determine if any additional information can safely be revealed without endangering the anonymity of the natural parents.

(c) Access to identity of natural parents.--Upon petition of an adoptee, the court may also attempt to contact the natural parents, if known, to obtain their consent to release their identity and present place of residence to the adoptee. However, the court shall take care that none but the natural parents themselves are informed of the adoptee's existence and relationship to them. The court may refuse to contact the natural parents if it believes that under the circumstances there would be a substantial risk that persons other than the natural parents would learn of the adoptee's existence and relationship to the natural parents. In lieu of contacting the natural parents itself, the court may designate an agency to act in its place.

1     (d) Disclosure of information on original certificate of  
2 birth.--

3         (1) No disclosure of information shall be made by the  
4 court, an agency or by the Department of Health or any other  
5 State agency regarding the adopted person's original  
6 certificate of birth or regarding the documents of proof on  
7 which the amended certificate of birth is based or relating  
8 in any way to the natural parents unless such disclosure is  
9 made pursuant to the provisions of this section.

10        (2) Notwithstanding any other provision to the contrary,  
11 the natural parents may, at the time of the relinquishment of  
12 their parental rights pursuant to Chapter 25 (relating to  
13 proceedings prior to petition to adopt), place on file with  
14 the court and with the Department of Health a consent form  
15 granting permission for the court or the department to  
16 disclose the information contained in the adoptee's original  
17 certificate of birth pertaining to the natural parents at  
18 anytime after the adoptee attains the age of 18. Such  
19 information may only be disclosed upon the request of the  
20 adoptee and the consent of the natural parents may be  
21 withdrawn at any time by filing a withdrawal of consent form  
22 with the court and the department. The department shall  
23 prescribe by regulation the procedure and forms to be  
24 utilized both for the giving and withdrawal of the consent.

25     Section 2. Sections 603(c), 801 and 804 of the act of June  
26 29, 1953 (P.L.304, No.66), known as the "Vital Statistics Law of  
27 1953," are hereby repealed insofar as inconsistent with the  
28 provisions of 23 Pa.C.S §2905 (relating to the impounding of  
29 proceedings and access to records)

30     Section 3. This act shall take effect in 60 days.