

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 278**Session of
1983

INTRODUCED BY FREIND, LEVIN, ARTY, E. Z. TAYLOR, J. L. WRIGHT,
CALTAGIRONE, VROON, TRELLO, PUNT, JACKSON, MICOZZIE,
LETTERMAN, McVERRY AND GREENWOOD, FEBRUARY 15, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 1984

AN ACT

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

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

8 Section 1. Section 2905 of Title 23 of the Pennsylvania
9 Consolidated Statutes 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

1 2535 (relating to investigation) shall be made available to
2 parties to an adoption proceeding only after all identifying
3 names and addresses in the report have been extirpated by the
4 court.

5 (b) Petition to court for limited information.--Upon
6 petition by any adoptee at least 18 years of age or, if less
7 than 18, his adoptive parent or legal guardian, to the court in
8 the judicial district in which the permanent records relating to
9 the adoption have been impounded, the court shall furnish to the
10 adoptee as much information concerning the adoptee's natural
11 parents as will not endanger the anonymity of the natural
12 parents. The information shall first be reviewed in camera by
13 the court to insure that no information is revealed which would
14 endanger the anonymity of the natural parents. The court shall,
15 upon motion of the adoptee, examine the entire record to
16 determine if any additional information can safely be revealed
17 without endangering the anonymity of the natural parents.

18 (c) Access to identity of natural parents.--

19 (1) Upon petition of an adoptee at least 18 years of age
20 or, if less than 18, his adoptive parent or legal guardian,
21 the court may also, through its designated agent, attempt to
22 contact the natural parents, if known, to obtain their
23 consent to release their identity and present place of
24 residence to the adoptee. The petition may state the reasons
25 why the adoptee desires to contact his natural parents which
26 reasons shall be disclosed to the natural parents if
27 contacted. However, the court and its agents shall take care
28 that none but the natural parents themselves are informed of
29 the adoptee's existence and relationship to them. The court
30 may refuse to contact the natural parents if it believes that

1 under the circumstances there would be a substantial risk
2 that persons other than the natural parents would learn of
3 the adoptee's existence and relationship to the natural
4 parents. The court shall appoint either the county children
5 and youth agency, or a private agency which provides adoption
6 services in accordance with standards established by the
7 Department of Public Welfare, to contact the natural parents
8 as its designated agent.

9 (2) In addition to petitioning the court to contact the
10 natural parents, an adoptee at least 18 years of age or, if
11 less than 18, his adoptive parent or legal guardian, may
12 request the agency that placed the adoptee to contact his
13 natural parents. If the agency agrees to attempt to contact
14 the natural parents, it shall do so pursuant to the same
15 safeguards provided for court inquiries in paragraph (1).

16 (3) If the court or an agency contacts the natural
17 parents of an adoptee pursuant to a petition or request made
18 under paragraph (1) or (2), except as hereinafter provided,
19 information relating to both natural parents shall only be
20 disclosed to the adoptee if both natural parents agree to the
21 disclosure. If both of the natural parents are deceased,
22 their identities may be disclosed. If one parent is deceased,
23 his or her identity may be disclosed. If only one parent
24 agrees to the disclosure, then only the information relating
25 to the agreeing parent shall be disclosed.

26 (4) The Department of Public Welfare may by regulation
27 prescribe procedures related to contact of natural parents by
28 designated agents of the court.

29 (d) Disclosure of information on original certificate of
30 birth.--

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

8 (2) Notwithstanding any other provision in this section
9 to the contrary, the natural parents may, at the time of the
10 relinquishment of their parental rights pursuant to Chapter
11 25 (relating to proceedings prior to petition to adopt), or
12 at any time thereafter, place on file with the court and with
13 the Department of Health a consent form granting permission
14 for the court or the department to disclose the information
15 contained in the adoptee's original certificate of birth, or
16 any other identifying or nonidentifying information
17 pertaining to the natural parents at any time after the
18 adoptee attains the age of 18 or, if less than 18, to his
19 adoptive parent or legal guardian. If both parents give their
20 consent, the information on the birth certificate may be
21 disclosed. If only one parent gives consent, only the
22 identity of the consenting parent shall be disclosed. The
23 natural parents shall be entitled to update those records, as
24 necessary, to reflect the natural parent's current address or
25 any other information pertaining to the natural parents. The
26 information may only be disclosed upon the request of the
27 adoptee or his adoptive parent or legal guardian and the
28 consent of the natural parents may be withdrawn at any time
29 by filing a withdrawal of consent form with the court and the
30 department. The department shall prescribe by regulation the

1 procedure and forms to be utilized for the giving, updating
2 and withdrawal of the consent.

3 Section 2. Title 23 is amended by adding a section to read:

4 § 2910. Penalty for unauthorized disclosure.

5 ~~(a) Criminal penalty.—Any officer or employee of the court, <—~~
6 ~~other than a judge thereof, the Department of Health or any~~
7 ~~agency who willfully discloses impounded or otherwise~~
8 ~~confidential information relating to an adoption other than as~~
9 ~~expressly authorized and provided in this chapter commits a~~
10 ~~misdemeanor of the third degree.~~

11 ~~(b) Action for invasion of privacy.—A natural parent who <—~~
12 ~~does not agree to be identified shall have a cause of action for~~
13 ~~invasion of privacy against the natural parent who, without~~
14 ~~authorization, discloses the other natural parent's identity.~~

15 Section 3. Sections 603(c), 801 and 804 of the act of June
16 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of
17 1953, are repealed insofar as they are inconsistent with 23
18 Pa.C.S § 2905 (relating to impounding of proceedings and access
19 to records).

20 Section 4. This act shall take effect in 60 days.