

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 215 Session of  
1995

INTRODUCED BY SATHER, GRUPPO, BLAUM, GORDNER, CARONE, NAILOR,  
M. COHEN, FLICK, STABACK, NICKOL, VANCE, MILLER, GEIST,  
PHILLIPS, FARGO, E. Z. TAYLOR, M. N. WRIGHT, COY, WOGAN,  
TRUE, HALUSKA, SAYLOR, KREBS, BAKER, GODSHALL, PITTS, ITKIN,  
PETTIT, CORNELL, BEBKO-JONES, FAIRCHILD, TRELLO, CLARK, BUNT,  
STURLA, HERSHEY, ARMSTRONG, HENNESSEY, HERMAN, RUBLEY, STERN,  
TIGUE, SURRA, CURRY, JOSEPHS, STEELMAN, MUNDY, RAYMOND,  
YOUNGBLOOD AND JAMES, JANUARY 24, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 7, 1995

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for medical history  
3 information and, FOR INVOLUNTARY TERMINATION OF PARENTAL <—  
4 RIGHTS, FOR ELIGIBILITY FOR ADOPTION, for expedited  
5 procedures for support actions and proceedings AND FOR <—  
6 CONTINUING JURISDICTION OVER SUPPORT ORDERS.

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

9 Section 1. The definition of "medical history information"  
10 in section 2102 of Title 23 of the Pennsylvania Consolidated  
11 Statutes is amended to read:

12 § 2102. Definitions.

13 The following words and phrases when used in this part shall  
14 have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 \* \* \*

1 "Medical history information." Medical records and other  
2 information concerning an adoptee or an adoptee's natural family  
3 which is relevant to the adoptee's present or future health care  
4 or medical treatment. The term includes:

5 (1) otherwise confidential or privileged information  
6 provided that identifying contents have been removed pursuant  
7 to section 2909 (relating to medical history information)[.];  
8 and

9 (2) information about the natural parents which may be  
10 relevant to a potential hereditary or congenital medical  
11 problem, whether or not the problem is in existence or  
12 discoverable at the time of the adoption.

13 \* \* \*

14 SECTION 2. SECTION 2312 OF TITLE 23 IS AMENDED TO READ: <—

15 § 2312. WHO MAY ADOPT.

16 ANY INDIVIDUAL MAY BECOME AN ADOPTING PARENT. THE RACE,  
17 ETHNIC ORIGIN OR RELIGION OF AN INDIVIDUAL IS NOT A  
18 CONSIDERATION IN DETERMINING WHETHER THAT INDIVIDUAL MAY ADOPT.

19 SECTION 3. SECTION 2511(A)(5) AND (B) OF TITLE 23 ARE  
20 AMENDED AND SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO  
21 READ:

22 § 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

23 (A) GENERAL RULE.--THE RIGHTS OF A PARENT IN REGARD TO A  
24 CHILD MAY BE TERMINATED AFTER A PETITION FILED ON ANY OF THE  
25 FOLLOWING GROUNDS:

26 \* \* \*

27 (5) THE CHILD HAS BEEN REMOVED FROM THE CARE OF THE  
28 PARENT BY THE COURT OR UNDER A VOLUNTARY AGREEMENT WITH AN  
29 AGENCY [FOR A PERIOD OF AT LEAST SIX MONTHS], THE CONDITIONS  
30 WHICH LED TO THE REMOVAL OR PLACEMENT OF THE CHILD CONTINUE

1 TO EXIST, THE PARENT [CANNOT OR WILL NOT REMEDY THOSE  
2 CONDITIONS WITHIN A REASONABLE PERIOD OF TIME] HAS NOT  
3 REMEDIED THOSE CONDITIONS WITHIN 12 MONTHS FROM THE DATE OF  
4 REMOVAL OR PLACEMENT, THE SERVICES OR ASSISTANCE REASONABLY  
5 AVAILABLE TO THE PARENT [ARE NOT LIKELY TO REMEDY] HAVE NOT  
6 REMEDIED THE CONDITIONS WHICH LED TO THE REMOVAL OR PLACEMENT  
7 OF THE CHILD WITHIN [A REASONABLE PERIOD OF TIME] 12 MONTHS  
8 FROM THE DATE OF REMOVAL OR PLACEMENT AND TERMINATION OF THE  
9 PARENTAL RIGHTS WOULD BEST SERVE THE NEEDS AND WELFARE OF THE  
10 CHILD.

11 \* \* \*

12 (8) THE CHILD HAS BEEN REMOVED FROM THE CARE OF THE  
13 PARENT BY THE COURT OR UNDER A VOLUNTARY AGREEMENT WITH AN  
14 AGENCY AND THE CHILD:

15 (I) WAS IN PLACEMENT FOR A PERIOD OF 12 MONTHS OR  
16 LONGER;

17 (II) WAS RETURNED HOME TO THE PARENT; AND

18 (III) WAS, WITHIN 12 MONTHS OF RETURNING, AGAIN  
19 REMOVED FROM THE CARE OF THE PARENT BY THE COURT OR UNDER  
20 A VOLUNTARY AGREEMENT WITH AN AGENCY FOR SIMILAR  
21 CONDITIONS OF ABUSE, NEGLECT OR INCAPACITY.

22 (B) OTHER CONSIDERATIONS.--THE COURT IN TERMINATING THE  
23 RIGHTS OF A PARENT SHALL GIVE PRIMARY CONSIDERATION TO THE  
24 DEVELOPMENTAL, PHYSICAL AND EMOTIONAL NEEDS AND WELFARE OF THE  
25 CHILD. THE RIGHTS OF A PARENT SHALL NOT BE TERMINATED SOLELY ON  
26 THE BASIS OF ENVIRONMENTAL FACTORS SUCH AS INADEQUATE HOUSING,  
27 FURNISHINGS, INCOME, CLOTHING AND MEDICAL CARE IF FOUND TO BE  
28 BEYOND THE CONTROL OF THE PARENT. WITH RESPECT TO ANY PETITION  
29 FILED PURSUANT TO SUBSECTION (A)(1) [OR (6)] THROUGH (8), THE  
30 COURT SHALL NOT CONSIDER ANY EFFORTS BY THE PARENT TO REMEDY THE

1 CONDITIONS DESCRIBED THEREIN WHICH ARE FIRST INITIATED  
2 SUBSEQUENT TO THE GIVING OF NOTICE OF THE FILING OF THE  
3 PETITION.

4 \* \* \*

5 SECTION 4. SECTION 2512(A) OF TITLE 23 IS AMENDED BY ADDING  
6 A PARAGRAPH TO READ:

7 § 2512. PETITION FOR INVOLUNTARY TERMINATION.

8 (A) WHO MAY FILE.--A PETITION TO TERMINATE PARENTAL RIGHTS  
9 WITH RESPECT TO A CHILD UNDER THE AGE OF 18 YEARS MAY BE FILED  
10 BY ANY OF THE FOLLOWING:

11 \* \* \*

12 (4) THE CHILD, REPRESENTED BY AN ATTORNEY, IF THE CHILD  
13 HAS BEEN ADJUDICATED DEPENDENT UNDER 42 PA.C.S. § 6341(C)  
14 (RELATING TO ADJUDICATION).

15 \* \* \*

16 Section ~~2~~ 5. Section 2909(b) and (c) of Title 23 are amended <—  
17 and the section is amended by adding a subsection to read:

18 § 2909. Medical history information.

19 \* \* \*

20 (a.1) Registration and updating.--The Department of Health  
21 shall, upon request, make available to courts, adoption agencies  
22 and individuals forms that enable parents whose rights have been  
23 terminated to register and update medical history information  
24 with the department and with the court which entered the decree  
25 of termination.

26 (b) Editing of information.--[In all cases] Except as  
27 provided in section 2905 (relating to impounding of proceedings  
28 and access to records), medical history information shall be  
29 edited before delivery or release by the department so as to  
30 remove any contents which would identify the adoptee's natural

1 family.

2 (c) Regulations.--The [Pennsylvania Department of Health]  
3 department shall implement the provisions of this section by  
4 regulation.

5 Section 3 6. Section 4342 of Title 23 is amended by adding a <—  
6 subsection to read:

7 § 4342. Expedited procedure.

8 \* \* \*

9 (b.1) Priority scheduling.--The Supreme Court shall also  
10 provide for the priority scheduling of expedited support actions  
11 or proceedings in which the child's custodial parent or  
12 caregiver is without income or resources for care and  
13 maintenance of the child.

14 \* \* \*

15 SECTION 7. SECTION 4352(D) OF TITLE 23 IS AMENDED TO READ: <—  
16 § 4352. CONTINUING JURISDICTION OVER SUPPORT ORDERS.

17 \* \* \*

18 (D) ARREARS AS JUDGMENTS.--ON AND AFTER THE DATE IT IS DUE,  
19 EACH AND EVERY SUPPORT OBLIGATION SHALL CONSTITUTE A JUDGMENT  
20 AGAINST THE OBLIGOR BY OPERATION OF LAW, WITH THE FULL FORCE,  
21 EFFECT AND ATTRIBUTES OF A JUDGMENT OF COURT, INCLUDING THE  
22 ABILITY TO BE ENFORCED, AND SHALL BE ENTITLED AS A JUDGMENT TO  
23 FULL FAITH AND CREDIT IN THIS OR ANY OTHER STATE. THE AMOUNT OF  
24 PAST DUE SUPPORT SHALL BEAR INTEREST FROM THE DATE IT ACCRUED AT  
25 THE RATE OF 18% SIMPLE INTEREST PER ANNUM. PAST DUE SUPPORT  
26 OBLIGATIONS SHALL NOT BECOME A LIEN UPON THE REAL AND PERSONAL  
27 PROPERTY OF THE PERSON ORDERED TO MAKE SUCH PAYMENTS UNTIL THE  
28 JUDGMENT OR ORDER HAS BEEN ENTERED OF RECORD IN THE OFFICE OF  
29 THE CLERK OF THE COURT OF COMMON PLEAS IN THE COUNTY WHERE THE  
30 REAL OR PERSONAL PROPERTY OWNED BY THE PERSON OBLIGATED TO PAY

1 SUPPORT IS LOCATED OR IN THE OFFICE OF THE CLERK OF THE BRANCH  
2 OF THE COURT OF COMMON PLEAS EMBRACING SUCH COUNTY IN ACCORDANCE  
3 WITH 42 PA.C.S. § 4303 (RELATING TO EFFECT OF JUDGMENTS AND  
4 ORDERS AS LIENS). EXECUTION SHALL ISSUE THEREON PURSUANT TO THE  
5 RULES OF CIVIL PROCEDURE. THE OBLIGATION FOR PAYMENT OF ARREARS  
6 OR PAST DUE SUPPORT SHALL TERMINATE BY OPERATION OF LAW WHEN ALL  
7 ARREARS OR PAST DUE SUPPORT HAS BEEN PAID.

8 \* \* \*

9 SECTION 8. THIS ACT SHALL APPLY AS FOLLOWS:

10 (1) THE AMENDMENT OF 23 PA.C.S. § 2312 SHALL APPLY TO  
11 PETITIONS FOR ADOPTION FILED ON OR AFTER THE EFFECTIVE DATE  
12 OF THIS ACT.

13 (2) THE AMENDMENT OF 23 PA.C.S. § 4352(D) SHALL APPLY  
14 ONLY TO JUDGMENTS BY OPERATION OF LAW ARISING ON OR AFTER THE  
15 EFFECTIVE DATE OF THIS ACT.

16 Section 4 9. This act shall take effect in 60 days.

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