
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2568 Session of
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TRELLO, WOJNAROSKI AND YOUNGBLOOD, MAY 15, 2000

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 15, 2000

AN ACT

1 Providing for an adoption registry, for confidential
2 registration and for duties of the Department of Health.

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15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Short title.

18 This act shall be known and may be cited as the Adoption
19 Registry Act.

20 Section 2. Legislative intent.

21 It is the intent of the General Assembly that:

22 (1) Adoption is based upon the legal termination of
23 parental rights and responsibilities of birth parents and the
24 creation of the legal relationship of parents and child
25 between an adoptee and the adoptive parents. These legal and
26 social premises underlying adoption must be maintained.

27 (2) The Commonwealth recognizes that some adults who
28 were adopted as children have a strong desire to obtain
29 identifying information about their birth parents and their
30 families while other adult adoptees have no such desire.

(3) The Commonwealth further recognizes that some birth parents have a strong desire to obtain identifying information about their biological children who were adopted, while other birth parents have no such desire.

(4) The Commonwealth fully recognizes the right to privacy and confidentiality of birth parents whose children were adopted, the adoptees and the adoptive parents.

(5) Therefore, the intent of this act is to:

(i) Set up a voluntary adoption registry where birth parents and adult adoptees may register their willingness to the release of identifying information to each other.

(ii) Provide for the disclosure of identifying information to birth parents and their genetic offspring through the Department of Health or the courts if a birth parent or parents and the adult adoptee are registered.

(iii) Provide for the transmission of nonidentifying health and social and genetic history of the adult adoptees, birth parents and other specified persons.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Adoptee." A person who has been adopted in this Commonwealth.

"Adoption." The judicial act of creating the relationship of parent and child where it did not exist previously.

"Adoptive parent." An adult who has become a parent of a child through adoption.

"Adult." A person 18 years of age or older.

"Agency." Any public or private organization licensed or

1 authorized under the laws of this Commonwealth to place children
2 for adoption.

3 "Birth parent." The man or woman who is legally presumed
4 under the laws of this Commonwealth to be the father or mother
5 of genetic origin of a child.

6 "Department." The Department of Health of the Commonwealth.

7 "Genetic, medical and social history." A comprehensive
8 report, when obtainable, of the health status and medical
9 history of the birth parents and other persons related to the
10 child:

11 (1) The genetic, medical and social history may contain
12 as much of the following as is available:

13 (i) Medical history information.

14 (ii) Health status.

15 (iii) Cause of and age at death.

16 (iv) Height, weight, eye color and hair color.

17 (v) Ethnic origins.

18 (vi) Religion, if any.

19 (2) The genetic, medical and social history may include
20 the history of:

21 (i) The birth parents.

22 (ii) Siblings to the birth parents, if any.

23 (iii) Other children of either birth parent, if any.

24 (iv) Parents of the birth parents.

25 "Medical history." A comprehensive report, when obtainable,
26 of the child's health status and medical history at the time of
27 placement for adoption, including neonatal, psychological,
28 physiological and medical care history.

29 "Registry." A voluntary adoption registry as established
30 under this act.

1 Section 4. Permanent maintenance of adoption records.

2 (a) Records maintained.--All records of any adoption
3 finalized in this Commonwealth shall be permanently maintained
4 by the department.

5 (b) Collection of records by court.--Before any final decree
6 of adoption of a minor is entered, the court shall be provided a
7 genetic, medical and social history of the child and of the
8 biological parents as complete as possible under the
9 circumstances.

10 (c) Medical history information.--When possible, the medical
11 history portion of the information provided shall include, but
12 not be limited to:

13 (1) A medical history of the adoptee from birth up to
14 the time of adoption, including disease, disability,
15 congenital or birth defects and records of medical
16 examinations of the child.

17 (2) Physical characteristics of the biological parents,
18 including age at the time of the adoptee's birth, height,
19 weight, and color of eyes, hair and skin.

20 (3) A gynecological and obstetric history of the
21 biological mother.

22 (4) A record of potentially inheritable genetic or
23 physical traits or tendencies of the biological parents or
24 their families.

25 (5) Any other useful or unusual biological information
26 that the biological parents are willing to provide.

27 (6) Any information that can be useful for the registry.

28 (d) Nondisclosure.--The names of the biological parents
29 shall not be included with any medical history reports.

30 Section 5. Information confidential.

1 No person shall disclose any confidential information
2 relating to an adoption except as provided in this act or by
3 court order.

4 Section 6. Information of registry confidential.

5 (a) Nondisclosure.--Notwithstanding any other provision of
6 law, the information acquired by the adoption registry shall not
7 be disclosed under any freedom of information legislation, rules
8 or practices.

9 (b) Class action suit.--A class action suit shall not be
10 maintained in any court of this Commonwealth to require the
11 registry to disclose identifying information.

12 Section 7. Duties of department.

13 The department shall establish, maintain and operate a
14 registry for all adoptions. The registry shall collect and
15 maintain the genetic, medical and social history for each
16 adoption finalized within this Commonwealth. The department may
17 contract out the function of establishing, maintaining and
18 operating the registry. The department may also join a voluntary
19 national or international registry and make its records
20 available in the manner authorized under this act. However, if
21 the rules of disclosure of such a voluntary organization differ
22 from those prescribed in this act then this act shall prevail.

23 Section 8. Persons eligible to use registry.

24 (a) Eligibility.--As provided in this act, only a birth
25 parent, adult adoptee, adult genetic sibling of an adoptee,
26 adoptive parent of a deceased adoptee or parents or adult
27 siblings of a deceased birth parent or parents may use the
28 registry for obtaining identifying information about birth
29 parents, adult adoptees and adult adoptee genetic siblings.

30 (b) Minors.--An adult adoptee who has a genetic sibling in

1 the adult adoptee's adoptive family who is under the age of 18
2 may not have access to the registry.

3 (c) Department assistance.--Birth parents, adult adoptees,
4 adult genetic siblings of an adoptee, adoptive parent or parents
5 of a deceased adoptee and parents or adult siblings of a
6 deceased birth parent or parents shall work through the
7 department to receive information concerning the adoption.

8 Section 9. Persons eligible to register.

9 (a) Registration.--An adult adoptee, each birth parent, and
10 adult genetic sibling of an adoptee, an adoptive parent of a
11 deceased adoptee and a parent or adult sibling of a deceased
12 birth parent or parents may register by submitting a signed
13 affidavit to the department. The affidavit shall contain the
14 information listed in section 10 and a statement of the
15 registrant's willingness to be identified to the other relevant
16 persons who register. The affidavit gives authority to the
17 registry to release identifying information related to the
18 registrant to the other relevant persons who register. Each
19 registration shall be accompanied by the birth certificate of
20 the registrant.

21 (b) Failure to file affidavit.--Except as provided in
22 section 12, if a birth parent or an adoptee fails to file an
23 affidavit with the registry for any reason, including death or
24 disability, identifying information shall not be disclosed to
25 those relevant persons who do register.

26 (c) Nonsolicitation.--Except as otherwise provided in
27 section 19, a registry or employee of the registry shall not
28 contact or in any other way solicit any adoptee or birth parent
29 to register with the registry.

30 Section 10. Content of affidavit and notice of change in

1 information.

2 (a) Affidavit requirements.--The affidavit required under
3 section 9 shall contain the following:

4 (1) The current name and address of the registrant.

5 (2) Any previous name by which the registrant was known.

6 (3) The original or adopted names of the adopted child.

7 (4) The place and date of birth of the adopted child, if
8 known.

9 (5) The name and address of the agency, if known.

10 (b) Change of name and address.--The registrant shall notify
11 the registry of any change in name or address that occurs after
12 the registrant registers. Upon registering, the registry shall
13 inform the registrant that the registrant has the responsibility
14 to notify the registry of a change in address. The registry is
15 not required to search for a registrant who fails to notify the
16 registry of a change in address.

17 (c) Cancellation.--A registrant may cancel the registrant's
18 registration at any time by giving the registry written notice
19 of the registrant's desires to so cancel.

20 Section 11. Continuing registration by birth parent.

21 When an adoptee reaches 18 years of age, a birth parent of
22 the adoptee, if the birth parent registered with the registry
23 before the adoptee was 18 years of age, shall notify the
24 registry in writing of the birth parent's desire to continue the
25 registration. A registry shall notify a birth parent of this
26 requirement when the birth parent initially registers.

27 Section 12. Processing affidavits.

28 (a) Match process.--Upon receipt of the affidavit under
29 section 9, the registry shall process each affidavit in an
30 attempt to match the adult adoptee and the birth parents, the

1 adult genetic sibling, the adoptive parent of a deceased adoptee
2 or the parents or adult sibling of a deceased birth parent or
3 parents. The processing shall include research from any agency
4 records or court records to determine whether the registrants
5 match.

6 (b) Providing notification of match.--If the registry
7 determines there is a match and if the relevant persons have
8 registered with the registry and received the counseling
9 required by section 13, notification of the match may be given
10 by a registry to only:

11 (1) a birth parent or parents of an adult adoptee and an
12 adult adoptee;

13 (2) the adult genetic siblings of an adult adoptee if
14 the birth parent or parents are deceased;

15 (3) adult adoptee genetic siblings who have been adopted
16 by different adoptive families and have no knowledge of their
17 birth parents;

18 (4) at the discretion of the department, parents or
19 adult siblings of the birth parent or parents if the birth
20 parent or parents are deceased; or

21 (5) at the discretion of the department, the adoptive
22 parent or parents of a deceased adoptee.

23 (c) Confidential contact.--Notification of a match to the
24 relevant parties shall be made through a direct and confidential
25 contact.

26 Section 13. Counseling of registrant.

27 (a) Counseling.--Upon the determination of a match but
28 before identifying information is disclosed, the registrant
29 shall at the discretion of the department participate in
30 counseling:

(1) with a social worker employed by the department; or
(2) if the registrant is domiciled outside this Commonwealth, with a social worker in that state who is selected by the registry.

(b) Emphasis of counseling.--The counseling required under subsection (a) shall place an emphasis on an evaluation of the need for and the effect of the information or contact on the genetic family members and the relationships within the adoptive family.

Section 14. Permanent maintenance of registry information.

Any affidavits filed and other information collected by a registry shall be permanently maintained.

Section 15. Limits on releasing information.

The registry shall release only information necessary for identifying a birth parent, an adult adoptee or an adult genetic sibling and shall not release information of any kind pertaining to:

(1) The adoptive parents.

(2) The siblings of the adult adoptee who are children of the adoptive parents.

(3) The income of any person.

Section 16. Registrant fee.

Costs of establishing and maintaining a registry may be met through reasonable fees not to exceed \$50 per registrant and shall be charged to all persons who register.

Section 17. Medical history information.

A medical history which excludes information identifying any birth parent, member of a birth parent's family, the adoptee or the adoptive parents of the adoptee may be provided, if available, from the department upon request to the following

1 persons:

2 (1) The adoptive parents of the child or the child's
3 guardian.

4 (2) The birth parent of the adoptee.

5 (3) An adult adoptee.

6 (4) In the event of the death of the adoptee:

7 (i) the adoptee's spouse if the spouse is the birth
8 parent of the adoptee's child or the guardian of any
9 child of the adoptee; or

10 (ii) any progeny of the adoptee who is 18 years of
11 age or older.

12 Section 18. Search for birth parents or genetic siblings.

13 (a) Search request by adoptee.--Any adult adoptee or the
14 adoptive parent of a minor or deceased adoptee may request that
15 the department conduct a search for the adoptee's birth parents
16 or, except as otherwise provided in section 20, for the
17 adoptee's genetic siblings.

18 (b) Search request by birth parent or sibling.--A birth
19 parent, an adult genetic sibling of an adoptee or the parent or
20 adult sibling of a deceased birth parent may request the
21 department to conduct a search for an adult adoptee whom the
22 birth parent relinquished for adoption.

23 (c) Request of department.--A person requesting a search
24 under subsection (a) or (b) shall direct the request for the
25 search to the department.

26 (d) Requester information.--At the time of a request to
27 conduct a search under this section, the requester shall provide
28 the department with such information as the department requires.
29 The person requesting the search must be registered with a
30 registry established under section 7.

1 Section 19. Access to adoption records for search.

2 (a) Examination of records.--When the department has been
3 instructed to conduct a search, the department may examine
4 adoption records maintained by the department or kept by the
5 court and by adoption agencies. However, the department may
6 examine the adoption records of a private adoption agency only
7 if the private adoption agency allows the examination. The
8 department shall keep the records and information located in the
9 records confidential.

10 (b) Confidential inquiries.--If the department is able to
11 identify and locate the person being sought, the department
12 shall make a confidential inquiry of that person to determine
13 whether the person wishes to make contact with the person
14 requesting the search. The department shall make the inquiry in
15 person if possible. If the reason the person is requesting the
16 search is because there is a serious medical condition in the
17 person's immediate family that is or may be an inheritable
18 condition and the person being sought is biologically related to
19 the ill person, the department or the licensed adoption agency
20 shall inform the person being sought of that fact.

21 (c) Duties of department.--If the person being sought wishes
22 to make contact with the person requesting the search, the
23 department shall:

24 (1) Tell the person about the voluntary adoption
25 registry and that any contact will be made through the
26 registry and its provisions and shall give the person any
27 information and forms necessary to register.

28 (2) Notify the voluntary adoption registry that the
29 person being sought has been identified and located and has
30 indicated that the person wishes to make contact.

1 (3) Return all materials, files and information obtained
2 during the search to the department.

3 (d) Provide forms.--If the person being sought has indicated
4 a wish to make contact and has not registered with the voluntary
5 adoption registry within 90 days after the confidential inquiry
6 was made, the department, where practicable, shall contact the
7 person to offer forms and materials to register and to determine
8 if the person still intends to register.

9 (e) Refuse contact.--If the person being sought does not
10 wish to make contact with the person requesting the search, the
11 department shall:

12 (1) Notify the voluntary adoption registry that the
13 person being sought has been identified, located and has
14 indicated that the person does not wish to make contact.

15 (2) Return all materials, files and information obtained
16 during the search to the department.

17 (f) Unable to locate.--If the department is unable to
18 identify and locate the person being sought, the department
19 shall notify the voluntary adoption registry of that fact.

20 (g) Record information and notice.--Upon receiving notice
21 under this section, the voluntary adoption registry shall:

22 (1) Enter the information into its records.

23 (2) Notify the person requesting the search only that
24 the person being sought has or has not been located, and
25 either:

26 (i) has indicated a wish to make contact and has
27 been given information and forms necessary to register;

28 or

29 (ii) has indicated a wish not to make contact.

30 Section 20. Effect on subsequent searches when person sought in

1 initial search refuses contact.

2 (a) Effect of previous searches.--If an adult adoptee or the
3 adoptive parent of a minor or deceased adoptee has initiated a
4 search under section 18, the fact that the person being sought
5 in the original search does not wish to make contact does not
6 prevent the adult adoptee or the adoptive parent from requesting
7 another search for a birth parent not previously contacted. An
8 adult adoptee or the adoptive parent of a minor or deceased
9 adoptee may not request a search for a genetic sibling of the
10 adoptee if there was a previous search for a birth parent of the
11 adoptee and the birth parent did not want to make contact with
12 the adult adoptee or adoptive parent.

13 (b) Process and fees.--The adult adoptee or adoptive parent
14 of a minor or deceased adoptee shall request the search by
15 repeating the process set out in section 18 and by paying the
16 fees established by the department pursuant to section 22.
17 Section 21. Support services; adoption and reunion issues.

18 Information about agency and community resources regarding
19 psychological issues in adoption and reunion shall be provided:

20 (1) By the department to all persons requesting a search
21 under section 18.

22 (2) By the department only to those persons the
23 department identifies and locates as the result of a search
24 under section 18 and who express a wish to receive
25 information.

26 Section 22. Rulemaking and fees.

27 (a) Rulemaking.--The department by rule shall establish:

28 (1) Standards of conduct for employees or agents that
29 conduct searches pursuant to section 18.

30 (2) Contracting procedures for entities under section 7

1 that conduct searches pursuant to section 18.

2 (3) Search procedures to be followed by employees or
3 agents that conduct searches pursuant to section 18.

4 (4) Fees to be paid by persons requesting a search under
5 section 18.

6 (b) Fees.--Fees authorized under this section include:

7 (1) A fee to be paid to the department to cover all
8 costs incurred in the search but not to exceed \$300.

9 (2) A fee to be paid to the department to cover the
10 administrative costs incurred in administering the search
11 program.

12 Section 23. Access to department or private agency records.

13 A private adoption agency may allow the department to examine
14 confidential adoption records maintained by the agency as part
15 of a search conducted pursuant to section 18.

16 Section 24. Repeals.

17 Those portions of 23 Pa.C.S. § 2905 which are inconsistent
18 with this act are repealed.

19 Section 25. Effective date.

20 This act shall take effect in 60 days.