

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 16, 1983

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 16, 1983

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
19 2535 (relating to investigation) shall be made available to

1 parties to an adoption proceeding only after all identifying
2 names and addresses in the report have been extirpated by the
3 court.

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

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

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

1 would learn of the adoptee's existence and relationship to
2 the natural parents. In lieu of the court contacting the
3 natural parents, the court may designate an agency to act in
4 its place.

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

12 (3) If the court or an agency contacts the natural
13 parents of an adoptee pursuant to a petition or request made
14 under paragraph (1) or (2), information relating to both
15 natural parents shall only be disclosed to the adoptee if
16 both natural parents agree to the disclosure. If both of the
17 natural parents are deceased, no information relating to
18 either parent shall be disclosed to the adoptee under this
19 subsection. However, the fact that both natural parents are
20 deceased shall be disclosed. If only one parent agrees to the
21 disclosure or if one parent agrees and the other is deceased,
22 then only the information relating to the agreeing parent
23 shall be disclosed.

24 (d) Disclosure of information on original certificate of
25 birth.--

26 (1) No disclosure of information shall be made by the
27 court, an agency, the Department of Health or any other
28 Commonwealth agency regarding the adopted person's original
29 certificate of birth or regarding the documents of proof on
30 which the amended certificate of birth is based or relating

1 in any way to the natural parents unless the disclosure is
2 made pursuant to the provisions of this section.

3 (2) Notwithstanding any other provision in this section
4 to the contrary, the natural parents may, at the time of the
5 relinquishment of their parental rights pursuant to Chapter
6 25 (relating to proceedings prior to petition to adopt),
7 place on file with the court and with the Department of
8 Health a consent form granting permission for the court or
9 the department to disclose the information contained in the
10 adoptee's original certificate of birth pertaining to the
11 natural parents at any time after the adoptee attains the age
12 of 18 or, if less than 18, to his adoptive parent or legal
13 guardian. If both parents give their consent, the information
14 on the birth certificate may be disclosed. If only one parent
15 gives consent or if one gives consent and the other is
16 deceased, only the identity of the consenting parent shall be
17 disclosed. The natural parents shall be entitled to update
18 those records, as necessary, to reflect the natural parent's
19 current address. The information may only be disclosed upon
20 the request of the adoptee or his adoptive parent or legal
21 guardian and the consent of the natural parents may be
22 withdrawn at any time by filing a withdrawal of consent form
23 with the court and the department. The department shall
24 prescribe by regulation the procedure and forms to be
25 utilized for the giving, updating and withdrawal of the
26 consent.

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

28 § 2910. Penalty for unauthorized disclosure.

29 (a) Criminal penalty.--Any officer or employee of the court,
30 the Department of Health or any agency who discloses impounded

1 or otherwise confidential information relating to an adoption
2 other than as expressly authorized and provided in this chapter
3 commits a misdemeanor of the third degree.

4 (b) Action for invasion of privacy.--A natural parent who
5 does not agree to be identified shall have a cause of action for
6 invasion of privacy against the natural parent who, without
7 authorization, discloses the other natural parent's identity.

8 Section 3. Sections 603(c), 801 and 804 of the act of June
9 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of
10 1953, are repealed insofar as they are inconsistent with 23
11 Pa.C.S § 2905 (relating to impounding of proceedings and access
12 to records).

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