

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 REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 4, 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. In lieu of the court contacting the natural parents, <—
5 the court may designate an agency to act in its place. THE <—
6 COURT SHALL APPOINT EITHER THE COUNTY CHILDREN AND YOUTH
7 AGENCY, OR A PRIVATE AGENCY WHICH PROVIDES ADOPTION SERVICES
8 IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE DEPARTMENT OF
9 PUBLIC WELFARE, TO CONTACT THE NATURAL PARENTS AS ITS
10 DESIGNATED AGENT.

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

18 (3) If the court or an agency contacts the natural
19 parents of an adoptee pursuant to a petition or request made
20 under paragraph (1) or (2), EXCEPT AS HEREINAFTER PROVIDED, <—
21 information relating to both natural parents shall only be
22 disclosed to the adoptee if both natural parents agree to the
23 disclosure. If both of the natural parents are deceased, no <—
24 information relating to either parent shall be disclosed to
25 the adoptee under this subsection. However, the fact that
26 both natural parents are deceased shall be disclosed. If only
27 one parent agrees to the disclosure or if one parent agrees
28 and the other is deceased, then only the information relating
29 to the agreeing parent shall be disclosed. THEIR IDENTITIES <—
30 MAY BE DISCLOSED. IF ONE PARENT IS DECEASED, HIS OR HER

1 IDENTITY MAY BE DISCLOSED. IF ONLY ONE PARENT AGREES TO THE
2 DISCLOSURE, THEN ONLY THE INFORMATION RELATING TO THE
3 AGREEING PARENT SHALL BE DISCLOSED.

4 (4) THE DEPARTMENT OF PUBLIC WELFARE MAY BY REGULATION
5 PRESCRIBE PROCEDURES RELATED TO CONTACT OF NATURAL PARENTS BY
6 DESIGNATED AGENTS OF THE COURT.

7 (d) Disclosure of information on original certificate of
8 birth.--

9 (1) No disclosure of information shall be made by the
10 court, an agency, the Department of Health or any other
11 Commonwealth agency regarding the adopted person's original
12 certificate of birth or regarding the documents of proof on
13 which the amended certificate of birth is based or relating
14 in any way to the natural parents unless the disclosure is
15 made pursuant to the provisions of this section.

16 (2) Notwithstanding any other provision in this section
17 to the contrary, the natural parents may, at the time of the
18 relinquishment of their parental rights pursuant to Chapter
19 25 (relating to proceedings prior to petition to adopt), OR <—
20 AT ANY TIME THEREAFTER, place on file with the court and with
21 the Department of Health a consent form granting permission
22 for the court or the department to disclose the information
23 contained in the adoptee's original certificate of birth, OR <—
24 ANY OTHER IDENTIFYING OR NONIDENTIFYING INFORMATION
25 pertaining to the natural parents at any time after the
26 adoptee attains the age of 18 or, if less than 18, to his
27 adoptive parent or legal guardian. If both parents give their
28 consent, the information on the birth certificate may be
29 disclosed. If only one parent gives consent ~~or if one gives~~ <—
30 ~~consent and the other is deceased, only the identity of the~~

1 consenting parent shall be disclosed. The natural parents
2 shall be entitled to update those records, as necessary, to
3 reflect the natural parent's current address OR ANY OTHER ←
4 INFORMATION PERTAINING TO THE NATURAL PARENTS. The
5 information may only be disclosed upon the request of the
6 adoptee or his adoptive parent or legal guardian and the
7 consent of the natural parents may be withdrawn at any time
8 by filing a withdrawal of consent form with the court and the
9 department. The department shall prescribe by regulation the
10 procedure and forms to be utilized for the giving, updating
11 and withdrawal of the consent.

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

13 § 2910. Penalty for unauthorized disclosure.

14 (a) Criminal penalty.--Any officer or employee of the court,
15 OTHER THAN A JUDGE THEREOF, the Department of Health or any ←
16 agency who WILLFULLY discloses impounded or otherwise ←
17 confidential information relating to an adoption other than as
18 expressly authorized and provided in this chapter commits a
19 misdemeanor of the third degree.

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

24 Section 3. Sections 603(c), 801 and 804 of the act of June
25 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of
26 1953, are repealed insofar as they are inconsistent with 23
27 Pa.C.S § 2905 (relating to impounding of proceedings and access
28 to records).

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