
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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 28, 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.

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

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

10 § 2102. Definitions.

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

14 * * *

15 "Medical history information." Medical records and other

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

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

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

12 * * *

13 ~~Section 2. Section 2511(a)(5) and (b) of Title 23 are~~ <—
14 ~~amended and subsection (a) is amended by adding a paragraph to~~
15 ~~read:~~

16 ~~§ 2511. Grounds for involuntary termination.~~

17 ~~(a) General rule. The rights of a parent in regard to a~~
18 ~~child may be terminated after a petition filed on any of the~~
19 ~~following grounds:~~

20 ~~* * *~~

21 ~~(5) The child has been removed from the care of the~~
22 ~~parent by the court or under a voluntary agreement with an~~
23 ~~agency [for a period of at least six months], the conditions~~
24 ~~which led to the removal or placement of the child continue~~
25 ~~to exist, the parent [cannot or will not remedy those~~
26 ~~conditions within a reasonable period of time] has not~~
27 ~~remedied those conditions within 12 months from the date of~~
28 ~~removal or placement, the services or assistance reasonably~~
29 ~~available to the parent [are not likely to remedy] have not~~
30 ~~remedied the conditions which led to the removal or placement~~

1 ~~of the child within [a reasonable period of time] 12 months~~
2 ~~from the date of removal or placement and termination of the~~
3 ~~parental rights would best serve the needs and welfare of the~~
4 ~~child.~~

5 * * *

6 ~~(8) The child has been removed from the care of the~~
7 ~~parent by the court or under a voluntary agreement with an~~
8 ~~agency and the child:~~

9 ~~(i) was in placement for a period of 12 months or~~
10 ~~longer;~~

11 ~~(ii) was returned home to the parent; and~~

12 ~~(iii) was, within 12 months of returning, again~~
13 ~~removed from the care of the parent by the court or under~~
14 ~~a voluntary agreement with an agency for similar~~
15 ~~conditions of abuse, neglect or incapacity.~~

16 ~~(b) Other considerations. The court in terminating the~~
17 ~~rights of a parent shall give primary consideration to the~~
18 ~~developmental, physical and emotional needs and welfare of the~~
19 ~~child. The rights of a parent shall not be terminated solely on~~
20 ~~the basis of environmental factors such as inadequate housing,~~
21 ~~furnishings, income, clothing and medical care if found to be~~
22 ~~beyond the control of the parent. With respect to any petition~~
23 ~~filed pursuant to subsection (a)(1) [or (6)] through (8), the~~
24 ~~court shall not consider any efforts by the parent to remedy the~~
25 ~~conditions described therein which are first initiated~~
26 ~~subsequent to the giving of notice of the filing of the~~
27 ~~petition.~~

28 * * *

29 Section 3 2. Section 2512(a) of Title 23 is amended by
30 adding a paragraph to read:

<—

1 § 2512. Petition for involuntary termination.

2 (a) Who may file.--A petition to terminate parental rights
3 with respect to a child under the age of 18 years may be filed
4 by any of the following:

5 * * *

6 (4) The child, represented by an attorney, if the child
7 has been adjudicated dependent under 42 Pa.C.S. § 6341(c)
8 (relating to adjudication).

9 * * *

10 Section 4 3. Section 2909(b) and (c) of Title 23 are amended <—
11 and the section is amended by adding a subsection to read:

12 § 2909. Medical history information.

13 * * *

14 (a.1) Registration and updating.--The Department of Public
15 Welfare shall, upon request, make available to courts, adoption
16 agencies and individuals forms that enable parents whose rights
17 have been terminated to register and update medical history
18 information with the Department of Public Welfare and with the
19 court which entered the decree of termination. The Department of
20 Health shall develop the content of medical history information
21 forms in consultation with the Department of Public Welfare.

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

28 (c) Regulations.--The [Pennsylvania Department of Health]
29 Department of Public Welfare shall implement the provisions of
30 this section by regulation.

1 Section ~~5~~ 4. This act shall take effect in 60 days.

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