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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

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INTRODUCED BY BEBKO-JONES, BELFANTI, BROWNE, COY, FLICK,  
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THOMAS, WASHINGTON AND YOUNGBLOOD, APRIL 15, 2003

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 15, 2003

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AN ACT

1 Providing for an adoption registry, for confidential  
2 registration and for duties of the Department of Health; and  
3 making a repeal.

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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.

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

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

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

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

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

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

19       Section 3. Definitions.

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

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

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

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

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

30       "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 must 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:

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

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

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

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

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

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

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

29 Section 5. Information confidential.

30 No person may disclose any confidential information relating

1 to an adoption except as provided in this act or by court order.

2 Section 6. Information of registry confidential.

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

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

10 Section 7. Duties of department.

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

21 Section 8. Persons eligible to use registry.

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

28 (b) Minors.--An adult adoptee who has a genetic sibling in  
29 the adult adoptee's adoptive family who is under the age of 18  
30 may not have access to the registry.

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

6 Section 9. Persons eligible to register.

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

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

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

28 Section 10. Content of affidavit and notice of change in  
29 information.

30 (a) Affidavit requirements.--The affidavit required under

1 section 9 shall contain the following:

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

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

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

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

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

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

15 (c) Cancellation.--A registrant may cancel the registrant's  
16 registration by giving the registry written notice of the  
17 registrant's desires to so cancel.

18 Section 11. Continuing registration by birth parent.

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

25 Section 12. Processing affidavits.

26 (a) Match process.--Upon receipt of the affidavit under  
27 section 9, the registry shall process each affidavit in an  
28 attempt to match the adult adoptee with the birth parents, the  
29 adult genetic siblings and the parents or adult siblings of  
30 deceased parents. The processing shall include research from any



1 agency records or court records to determine whether the  
2 registrants match.

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

8 (1) A birth parent or parents of an adult adoptee;

9 (2) An adult adoptee;

10 (3) An adult genetic sibling of an adult adoptee if  
11 parents are deceased;

12 (4) An adult adoptee genetic sibling who has been  
13 adopted by a different adoptive family and has no knowledge  
14 of the adult adoptee genetic sibling's birth parents;

15 (5) At the discretion of the department, a parent or  
16 adult sibling of the birth parent if the birth parent is  
17 deceased; or

18 (6) At the discretion of the department, an adoptive  
19 parent of a deceased adoptee.

20 (c) Confidential contact.--Notification of a match to the  
21 relevant parties shall be made through a direct and confidential  
22 contact.

23 Section 13. Counseling of registrant.

24 (a) Counseling.--Upon the determination of a match but  
25 before identifying information is disclosed, the registrant must  
26 at the discretion of the department participate in counseling:

27 (1) with a social worker employed by the department; or

28 (2) if the registrant is domiciled outside this  
29 Commonwealth, with a social worker in that state who is  
30 selected by the registry.

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

6 Section 14. Permanent maintenance of registry information.

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

9 Section 15. Limits on releasing information.

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

14 (1) The adoptive parents.

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

17 (3) The income of any person.

18 Section 16. Registrant fee.

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

22 Section 17. Medical history information.

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

28 (1) An adoptive parent of the child or the child's  
29 guardian.

30 (2) The birth parent of the adoptee.

1           (3) An adult adoptee.

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

3                 (i) the adoptee's spouse if the spouse is the birth  
4           parent of the adoptee's child or the guardian of a child  
5           of the adoptee; or

6                 (ii) a child of the adoptee who is 18 years of age  
7           or older.

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

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

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

19       (c) Request of department.--A person requesting a search  
20        under subsection (a) or (b) shall direct the request for the  
21        search to the department.

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

27 Section 19. Access to adoption records for search.

28       (a) Examination of records.--If the department has been  
29        instructed to conduct a search, the department may examine  
30        adoption records maintained by the department or kept by the

1 court and by adoption agencies. The department may examine the  
2 adoption records of a private adoption agency only if the  
3 private adoption agency allows the examination. The department  
4 shall keep the records and information located in the records  
5 confidential.

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

17 (c) Duties of department.--If the person being sought wishes  
18 to make contact with the person requesting the search, the  
19 department shall do all of the following:

20 (1) Tell the person about the voluntary adoption  
21 registry and that any contact will be made through the  
22 registry and its provisions.

23 (2) Give the person any information and forms necessary  
24 to register.

25 (3) Notify the voluntary adoption registry that the  
26 person being sought has been identified and located and has  
27 indicated that the person wishes to make contact.

28 (4) Return all materials, files and information obtained  
29 during the search to the department.

30 (d) Provide forms.--If the person being sought has indicated

1 a wish to make contact and has not registered with the voluntary  
2 adoption registry within 90 days after the confidential inquiry  
3 was made, the department, where practicable, shall contact the  
4 person to offer forms and materials to register and to determine  
5 if the person still intends to register.

6 (e) Refuse contact.--If the person being sought does not  
7 wish to make contact with the person requesting the search, the  
8 department shall do all of the following:

9 (1) Notify the voluntary adoption registry that the  
10 person being sought has been identified and located and has  
11 indicated that the person does not wish to make contact.

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

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

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

19 (1) Enter the information into its records.

20 (2) Notify the person requesting the search only that  
21 the person being sought has or has not been located, and  
22 either:

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

25 or

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

27 Section 20. Effect on subsequent searches when person sought in  
28 initial search refuses contact.

29 (a) Effect of previous searches.--If an adult adoptee or the  
30 adoptive parent of a minor or deceased adoptee has initiated a

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

10 (b) Process and fees.--The adult adoptee or adoptive parent  
11 of a minor or deceased adoptee shall request the search by  
12 repeating the process set out in section 18 and by paying the  
13 fees established by the department pursuant to section 22.

14 Section 21. Support services; adoption and reunion issues.

15 Information about agency and community resources regarding  
16 psychological issues in adoption and reunion shall be provided  
17 by the department:

18 (1) To all persons requesting a search under section 18.

19 (2) To those persons the department identifies and  
20 locates as the result of a search under section 18 and who  
21 express a wish to receive information.

22 Section 22. Rulemaking and fees.

23 (a) Rulemaking.--The department by regulation shall  
24 establish:

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

27 (2) Contracting procedures for entities under section 7  
28 that conduct searches pursuant to section 18.

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

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

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

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

6           (2) A fee to be paid to the department to cover the  
7 administrative costs incurred in administering the search  
8 program.

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

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

13 Section 39. Repeals.

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

16 Section 40. Effective date.

17       This act shall take effect in 60 days.