

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1719 Session of 2009

INTRODUCED BY COHEN, JOSEPHS, CALTAGIRONE, MUNDY, DONATUCCI,
FREEMAN, GEORGE, MCGEEHAN, YOUNGBLOOD, O'NEILL, QUINN,
MILLARD, HARPER, HENNESSEY, FRANKEL, GIBBONS, JOHNSON, KORTZ,
DENLINGER, CREIGHTON, CARROLL, BROWN, BEYER, BENNINGHOFF,
LONGIETTI, MOUL, MURT, M. O'BRIEN, PALLONE, SIPTROTH,
K. SMITH, SWANGER AND VULAKOVICH, JUNE 16, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 2009

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further defining "adoptee"; and
3 further providing for the submission of medical history
4 information to the Adoption Medical History Registry.

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

7 Section 1. The definition of "adoptee" in section 2102 of
8 Title 23 of the Pennsylvania Consolidated Statutes is amended to
9 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 "Adoptee." An individual proposed to be adopted or an
15 individual who is adopted.

16 * * *

17 Section 2. Sections 2503(e) and 2504(d) of Title 23 are

1 amended and the sections are amended by adding subsections to
2 read:

3 § 2503. Hearing.

4 * * *

5 (e) Right to file personal [and medical history]
6 information.--At the time the decree of termination is
7 transmitted to the parent whose rights are terminated, the court
8 shall advise that parent, in writing, of his or her continuing
9 right to place and update personal [and medical history]
10 information[, whether or not the medical condition is in
11 existence or discoverable at the time of adoption,] on file with
12 the court and with the Department of [Public Welfare] Health
13 pursuant to section 2905(d) (relating to impounding of
14 proceedings and access to records).

15 (f) Obligation to file medical history information.--At the
16 time the parent of the child petitions the court for permission
17 to relinquish forever all parental rights to his or her child,
18 the court shall advise that parent, in writing, that he or she
19 shall place nonidentifying medical history information on file
20 with the court and with the Department of Public Welfare in the
21 Adoption Medical History Registry.

22 § 2504. Alternative procedure for relinquishment.

23 * * *

24 (d) Right to file personal [and medical history]
25 information.--At the time the decree of termination is
26 transmitted to the parent, the court shall also advise, in
27 writing, the parent whose rights have been terminated of his or
28 her continuing right to place and update personal [and medical
29 history] information[, whether or not the medical condition is
30 in existence or discoverable at the time of adoption,] on file

1 with the court and with the Department of [Public Welfare]
2 Health pursuant to section 2905(d) (relating to impounding of
3 proceedings and access to records).

4 (e) Obligation to file medical history information.--At the
5 time the parent of the child petitions the court for permission
6 to relinquish forever all parental rights to his or her child,
7 the court shall advise that parent, in writing, that he or she
8 shall place nonidentifying medical history information on file
9 with the court and with the Department of Public Welfare in the
10 Adoption Medical History Registry.

11 Section 3. Section 2909 of Title 23 is amended to read:

12 § 2909. Medical history information.

13 (a) Delivery of information.--Prior to the finalization of
14 an adoption, medical history information shall, where
15 practicable, be delivered by the attending physician or other
16 designated person to the intermediary who shall deliver such
17 information to the adopting parents or their physician. In cases
18 where there is no intermediary, medical history information
19 shall be delivered directly to the adopting parents or their
20 physician. In addition, each birth parent shall provide
21 accurate, nonidentifying medical history information to the
22 Department of Public Welfare, for filing in the Adoption Medical
23 History Registry, at the time the parent petitions the court for
24 permission to relinquish forever all parental rights to his or
25 her child.

26 (b) Editing of information.--Except as provided in section
27 2905 (relating to impounding of proceedings and access to
28 records), medical history information shall be edited before
29 delivery or release by the Department of Public Welfare so as to
30 remove any contents which would identify the adoptee's natural

1 family.

2 (c) Availability of information forms.--The Department of
3 Public Welfare shall, upon request, make available to courts,
4 adoption agencies and individuals medical history information
5 forms that enable parents whose rights have been terminated to
6 register and update medical history information as required in
7 subsection (a) and sections 2503(f) (relating to hearing) and
8 2504(e) (relating to alternative procedure for relinquishment)
9 with the Department of Public Welfare and with the court which
10 entered the decree of termination.

11 (d) Regulations.--The Department of Public Welfare shall, in
12 consultation with the Department of Health, prescribe by
13 regulation the procedure to be utilized and to develop the
14 content of medical history information forms.

15 Section 4. This act shall apply to all terminations of
16 parental rights which occur on or after the effective date of
17 this act.

18 Section 5. This act shall take effect September 1, 2009.