

No. 1984-195

AN ACT

HB 278

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing a procedure for access by an adoptee or his adoptive parent or legal guardian to certain information concerning his natural parents; imposing penalties; and making certain repeals.

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

Section 1. Section 2905 of Title 23 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2905. Impounding of proceedings *and access to records*.

(a) *General rule.*—All petitions, exhibits, reports, notes of testimony, decrees, and other papers pertaining to any proceeding under this part or former statutes relating to adoption shall be kept in the files of the court as a permanent record thereof and withheld from inspection except on an order of court granted upon cause shown *or except as otherwise provided in this section*. Any report required to be filed under sections 2531 (relating to report of intention to adopt) and 2535 (relating to investigation) shall be made available to parties to an adoption proceeding only after all identifying names and addresses in the report have been extirpated by the court.

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

(c) *Access to identity of natural parents.*—

(1) *Upon petition of an adoptee at least 18 years of age or, if less than 18, his adoptive parent or legal guardian, the court may also, through its designated agent, attempt to contact the natural parents, if known, to obtain their consent to release their identity and present place of residence to the adoptee. The petition may state the reasons why the adoptee desires to contact his natural parents, which reasons shall be disclosed to the natural parents if contacted. However, the court and its agents shall take care that none but the natural parents themselves are informed of the adoptee's existence and relationship to them. The court may refuse to contact the natural parents if it believes that, under the circumstances,*

there would be a substantial risk that persons other than the natural parents would learn of the adoptee's existence and relationship to the natural parents. The court shall appoint either the county children and youth agency, or a private agency which provides adoption services in accordance with standards established by the Department of Public Welfare, to contact the natural parents as its designated agent.

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

(3) If the court or an agency contacts the natural parents of an adoptee pursuant to a petition or request made under paragraph (1) or (2), except as hereinafter provided, information relating to both natural parents shall only be disclosed to the adoptee if both natural parents agree to the disclosure. If both of the natural parents are deceased, their identities may be disclosed. If one parent is deceased, his or her identity may be disclosed. If only one parent agrees to the disclosure, then only the information relating to the agreeing parent shall be disclosed.

(4) The Department of Public Welfare may, by regulation, prescribe procedures related to contact of natural parents by designated agents of the court.

(d) Disclosure of information on original certificate of birth.—

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

(2) Notwithstanding any other provision in this section to the contrary, the natural parents may, at the time of the relinquishment of their parental rights pursuant to Chapter 25 (relating to proceedings prior to petition to adopt) or at any time thereafter, place on file, with the court and with the Department of Health, a consent form granting permission for the court or the department to disclose the information contained in the adoptee's original certificate of birth, or any other identifying or non-identifying information pertaining to the natural parents, at any time after the adoptee attains the age of 18 or, if less than 18, to his adoptive parent or legal guardian. If both parents give their consent, the information on the birth certificate may be disclosed. If only one parent gives consent, only the identity of the consenting parent shall be disclosed. The natural parents shall be entitled to update those records, as necessary, to reflect the natural parent's current address or any other information pertaining to the natural parents. The information may only be disclosed upon the request of the adoptee or his adoptive parent or legal guardian, and the consent of the natural parents may be withdrawn at any time by filing a

withdrawal of consent form with the court and the department. The department shall prescribe by regulation the procedure and forms to be utilized for the giving, updating and withdrawal of the consent.

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

§ 2910. Penalty for unauthorized disclosure.

Any officer or employee of the court, other than a judge thereof, the Department of Health or any agency who willfully discloses impounded or otherwise confidential information relating to an adoption, other than as expressly authorized and provided in this chapter, commits a misdemeanor of the third degree.

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

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

APPROVED—The 12th day of December, A. D. 1984.

DICK THORNBURGH