

No. 1995-76

## AN ACT

HB 215

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for personal and medical history information and for involuntary termination of parental rights.

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

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

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

\* \* \*

"Medical history information." Medical records and other information concerning an adoptee or an adoptee's natural family which is relevant to the adoptee's present or future health care or medical treatment. The term includes:

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

(2) *information about the natural parents which may be relevant to a potential hereditary or congenital medical problem.*

\* \* \*

Section 2. Sections 2503(e) and 2504(d) of Title 23 are amended to read:  
§ 2503. Hearing.

\* \* \*

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

§ 2504. Alternative procedure for relinquishment.

\* \* \*

(d) Right to file personal *and medical history* information.—At the time the decree of termination is transmitted to the parent, the court shall also advise, in writing, the parent whose rights have been terminated of his or her

*continuing* right to place *and update* personal *and medical history* information, *whether or not the medical condition is in existence or discoverable at the time of adoption*, on file with the court and with the Department of [Health] *Public Welfare* pursuant to section 2905(d) (relating to impounding of proceedings and access to records).

Section 3. Section 2511(b) and (c) of Title 23 are amended and subsection (a) is amended by adding a paragraph to read:

§ 2511. Grounds for involuntary termination.

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

\* \* \*

(8) *The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.*

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

(c) Right to file personal *and medical history* information.—At the time the decree of termination is transmitted to the parent whose rights have been terminated, the court shall advise the parent, in writing, of his or her *continuing* right to place *and update* personal *and medical history* information, *whether or not the medical condition is in existence or discoverable at the time of adoption*, on file with the court and with the Department of [Health] *Public Welfare* pursuant to section 2905(d) (relating to impounding of proceedings and access to records).

Section 4. Section 2512(a) of Title 23 is amended by adding a paragraph to read:

§ 2512. Petition for involuntary termination.

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

\* \* \*

(4) *An attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6341(c) (relating to adjudication).*

\* \* \*

Section 5. Section 2905(d) heading of Title 23 is amended and the subsection is amended by adding a paragraph to read:

§ 2905. Impounding of proceedings and access to records.

\* \* \*

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

\* \* \*

*(3) An adoptee at least 18 years of age or, if less than 18 years of age, the parent or legal guardian of the adoptee shall have access to any original or updated medical history information on file with the court which entered the decree of termination or the Department of Public Welfare. No medical history information shall be released which would endanger the anonymity of the natural parents.*

Section 6. Sections 2909 and 2910 of Title 23 are amended to read:

§ 2909. Medical history information.

(a) Delivery of information.—[Medical] *Prior to the finalization of an adoption, medical history information shall, where practicable, be delivered by the attending physician or other designated person to the intermediary who shall deliver such information to the adopting parents or their physician. In cases where there is no intermediary, medical history information shall be delivered directly to the adopting parents or their physician.*

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

**[(c) Regulations.—The Pennsylvania Department of Health shall implement the provisions of this section by regulation.]**

*(c) Availability of information forms.—The Department of Public Welfare shall, upon request, make available to courts, adoption agencies and individuals medical history information forms that enable parents whose rights have been terminated to register and update medical history information with the Department of Public Welfare and with the court which entered the decree of termination.*

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

§ 2910. Penalty for unauthorized disclosure.

Any officer or employee of the court, other than a judge thereof, the Department of Health, *the Department of Public Welfare* 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 7. This act shall take effect as follows:

(1) With regard to a child who has been removed from the care of the parent by the court or under a voluntary agreement with an agency prior to the effective date of this act, the provision of 23 Pa.C.S. § 2511(a)(8) shall become effective 12 months after the effective date of this act.

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 1995.

THOMAS J. RIDGE