



SWAN Pennsylvania Adoption Search Guidelines

For many adoptees, finding their biological roots is important both for medical and personal reasons. Many birth parents are also increasingly interested in meeting or having some contact with the child they placed for adoption. The process of making these connections is commonly referred to as **search and reunion**.

The following information was compiled from Act 101 of 2010, SB 1360 and Children and Youth and Families Bulletin #3350-11-01, Implementation of Act 101 of 2010.

I. Background

Act 101 of 2010 went into effect on April 25, 2011. Prior to the implementation of Act 101, the law protected adoption records by sealing them after finalization and limiting the information that may be provided in response to a request for information. Individuals may request non-identifying and identifying information from the Pennsylvania Adoption Information Registry, PAIR (see Section II). Individuals may also request non-identifying and identifying information and contact with birth family members from the courts and agencies.

Act 101 of 2010 allows a single request form to be used by individuals to make their request for release of information to each location. The list of individuals who may access information has expanded (see Section III.A), as well as the list of individuals who may be the subject of a request for information or contact. In some situations, the subject of a request now includes the grandparents and siblings of an adoptee.

II. Pennsylvania Adoption Information Registry (PAIR)

As a result of Act 101, the Pennsylvania Department of Public Welfare, DPW, expanded the Adoption Medical History Registry, AMHR, to maintain an adoption medical history registry and a social history information registry. This registry is called the Pennsylvania Adoption Information Registry, PAIR. Adoptees, adoptive parents and birth parents are encouraged to submit and keep updated medical and social history information with this registry at any time. In addition to providing medical and social history information, adoptees, adoptive parents and birth parents may authorize the release of identifying information and may also amend or withdraw their authorization to release identifying information at any time by updating their information with PAIR. PAIR forms can be found at: www.adoptkids.org/Forms.aspx.

III. Accessing Information from Adoption Records

A. Who May Access Information from Adoption Records

Act 101 of 2010 allows the following individuals to file a written request with the court which finalized the adoption, the agency which coordinated the adoption or the successor agency for identifying or non-identifying information or contact:

- a. An adoptee at least 18;
- b. An adoptive parent of an adoptee who is under 18, or adjudicated incapacitated and is 18 or older, or who is deceased;
- c. A legal guardian of adoptee who is under 18 or adjudicated incapacitated;
- d. A descendant of deceased adoptee;
- e. A birth parent of adoptee 21 or older;

- f. A parent of birth parent of adoptee 21 or older if birth parent consents, is incapacitated or deceased;
- g. A birth sibling of an adoptee if both are 21 or older and meet the following criteria:
 - i. The birth sibling remained in the custody of a birth parent and that birth parent consents, is deceased or is incapacitated.
 - ii. The birth sibling and the adoptee were both adopted out of the same birth family; or
 - iii. The birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

✓ *Accessing information from Pennsylvania court and agency records pertains to adoptions that were finalized or registered in the Commonwealth of Pennsylvania. Adoptees born in Pennsylvania but adopted elsewhere should contact the state they were adopted in to determine if they are entitled to any birth record information.*

B. Who May Be Subject of the Request

The individuals listed in Section A may file a written request for information or contact with the following individuals:

- a. An adoptee 21 or older;
- b. A birth parent of adoptee;
- c. A parent of birth parent of an adoptee 21 or older if birth parent consents, is incapacitated or deceased;
- d. A birth sibling of an adoptee if both the sibling and adoptee are 21 or older and the following criteria exist:
 - i. The birth sibling remained in custody of the birth parent and the birth parent consents to the release of the information or contact, is deceased or incapacitated;
 - ii. The birth sibling and the adoptee were both adopted out of the same birth family; or
 - iii. The birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

C. What Information may be accessed

- a. Non-Identifying Information
 - i. Information may include medical history if available in record.
 - ii. Non-identifying information does not reveal the identity of the individual.
- b. Identifying Information and/or contact
 - i. Identifying Information and/or contact may be released if an authorization form is on file with the court, agency or PAIR.
 - ii. If there is no authorization form on file, the court or agency will appoint an authorized representative to use reasonable efforts to locate the subject.
- c. Original Birth Record (see Section F for more information).

D. Where to file request for information

- a. The court in which the adoption was finalized;
- b. The agency that coordinated the adoption;
- c. A successor, by merger or acquisition, of the agency that coordinated the adoption; or
- d. If neither the agency nor successor exists, by an agency authorized by the court.

✓ *If you do not know the location of the county court where the adoption was finalized, please send a written request to Division of Vital Records, P.O. Box 1528, New Castle, Pennsylvania 16103. Information regarding the adoptee must include their name **after** adoption, date of birth and county of birth. Written requests must be signed and include verification of address with a government issued identification or two pieces of mail confirming your address. The services from the Division of Vital Records are provided at no charge.*

E. How to Make a Request for Information

- a. Contact PAIR at 1-800-227-0225 to determine if any information has been filed.
- b. Once you have determined the court and/or agency, contact them for their specific procedures and fees. (See attached checklist)

F. Original Birth Record

- a. The Adoption Act does not permit the release of the original birth certificate. The summary of original birth record consists of only the names and ages of the birth parents, the date and county of the birth of the child and the name of the child given at birth.
- b. If only one birth parent has filed a consent, a copy of the summary of the original birth record naming only the consenting birth parent shall be issued by the court or Department of Health. Please keep in mind that a birth parent may file or withdraw a consent form with the court or Department of Health at any time.

IV. Confidentiality

In conducting a search, the court or agency shall ensure that no individual, other than a birth parent, is informed of the adoptee's existence and relationship to the birth parent of the adoptee.

An inquiry is not mandatory if an authorized representative of the court or agency conducting the search reasonably believes an inquiry may compromise the confidentiality relating to the relationship between the adoptee and a birth parent of the adoptee.

V. Fees

Act 101 allows any court or agency to charge reasonable fees for their services provided. Please contact the specific court or agency for their applicable fees for services. For contact information for courts and agencies, please contact LSI Warmline at lsiwarmline@diakon-swan.org.

VI. Refusal to Search

The agency may decline to conduct a search to determine whether an individual will authorize the disclosure of identifying information or contact if the agency is satisfied that a request could cause physical or emotional harm to the requesting individual or others.

An agency may also decline to commence or conduct a search if the requester fails to pay the reasonable costs associated with commencing or conducting the search. An agency that declines to conduct a search shall refer the request to the court that finalized the adoption and inform the court of its reasons for declining the search request. If a court is satisfied that a request could cause physical or emotional harm to the requesting individual or others, the court receiving a request for identifying information or contact may decline to perform a search. A court that declines to conduct a search shall inform the requesting individual of its decision in writing and of the procedures for appeal of that decision.

VII. Additional Search Resources

A. The Pennsylvania Adoption Information Registry

PAIR is an electronic database maintained by the Pennsylvania Adoption Exchange, PAE. The PAIR receives, files, and retains medical and social history information for all adoptions finalized or registered in the Commonwealth. If an agency of court wants to learn if someone is already registered with PAIR, they should call 1-800-227-0225. Individuals who wish to submit or request information from PAIR must do so in writing to PAIR, P.O. Box 4379, Harrisburg, Pa 17111-0379.

B. SWAN Legal Services Initiative (LSI) Diligent Search Packet

The LSI Diligent Search Packet provides a detailed listing of resources that will help guide you with your search. This packet can be downloaded and printed by visiting the Diakon-SWAN website at www.diakon-swan.org. Click on **Legal Services Initiative** and then **Diligent Search**.

For diligent search questions, please call the LSI office at 888-793-2512, ext. 5376.

C. International Soundex Reunion Registry (ISRR)

Adoptees and birth parents are encouraged to register with the ISRR if they want to establish contact. Visit the website www.isrr.net for more information and registration forms. The registry's address and telephone number are:

ISRR
P. O. Box 2312
Carson City, Nevada 89702
775-882-7755

If you have any additional questions about the SWAN Pennsylvania Adoption Search Guidelines, please contact the LSI office at 1-888-793-2512, ext. 5376.