

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.

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. In addition to requesting information from Pennsylvania Adoption Information Registry PAIR (see Section II), individuals may also request from the courts and agencies, information that is non-identifying, identifying and request contact from family members. 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 Department of Public Welfare (DPW) expanded the Adoption Medical History Registry (AMHR) to maintain an adoption medical history registry and 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 update 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 amend or withdraw their authorization to release identifying information at any time by updating their information with PAIR. PAIR forms can be found at <http://www.adoptpakids.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 info from PA court and agency records pertain to adoptions that were finalized or registered in the Commonwealth of PA. Adoptees born in PA and adopted elsewhere should contact the State of your adoption to determine if you are entitled to any birth record information.*

B. Who May Be Subject of the Request

The individuals listed above 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 www.pagov-pair.org 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. Non-Certified Copy of Original Birth Record

- a. A summary of original birth record consisting of the names and ages of the birth parents, the date and county of the birth of the child and the name given to the child at birth.
- b. Birth parent may complete a contact preference form or a redaction request form by contacting The Department of Health at: <http://www.health.pa.gov/MyRecords/Certificates/Pages/Adoption.aspx>
- c. There are trained Authorized Representatives provided in every county to assist with your search process. To find an Authorized Representative in your county, please contact the LSI Warmline at lsiwarmline@diakon-swan.org.

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)

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. To obtain or submit information from PAIR, go to www.pagov-pair.org or call 1-800-227-0225.

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 Web site 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 Web site, 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.

