

CHAPTER 3350. ADOPTION SERVICES

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Source

The provisions of this Chapter 3350 adopted August 22, 1975, effective August 23, 1975, 5 Pa.B. 2198; amended June 30, 1978, effective July 1, 1978, 8 Pa.B. 1757, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 3130.43 (relating to family case records).

GENERAL PROVISIONS

§ 3350.1. Service goal.

This chapter provides new and permanent, legal family ties for children whose natural parents are unable or unwilling to fulfill this responsibility.

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§ 3350.2. Definition of services.

Adoption services are those agency activities designed to culminate in legal adoption. These activities include, but are not limited to:

- (1) Adoptive home recruitment.
- (2) Study of the child and natural parents.
- (3) Study of the adoptive applicants.
- (4) Placement and supervision of the child in the adoptive home.
- (5) Preparation and presentation of material for the adoption hearing.
- (6) Assuring provision of adoption subsidies when needed.

§ 3350.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Adoption—A method provided by statute to establish the legal relationship of parent and child between persons who are not so related by birth, with the same mutual rights and obligations as exist between children and their natural parents.

Local authority—A county institution district or its successor.

§ 3350.4. Legal base.

The legal authority for this chapter is Article VII of the Public Welfare Code (62 P. S. §§ 701—709, 721—725, 731—735, 741—753, 761—765, and 771—774); and 23 Pa.C.S. §§ 2101—2909 (relating to the Adoption Act).

§ 3350.5. General requirements.

- (a) The service provider shall have written policies and procedures governing adoption services.
- (b) When more than one service provider is involved in an adoption plan, the function and responsibility of each agency shall be clearly defined in a written agreement.
- (c) The service provider shall implement an ongoing plan for recruiting homes for children in need of adoption, with emphasis on children with special needs. The aim of recruitment shall be to give the service provider sufficient families to allow an optimum choice for each child.
- (d) The service provider shall evaluate children in placement, at least annually, to determine their adoptability.
- (e) The service provider shall insure, either directly or through referral, the availability of counseling and other services, as needed, to natural parents, the child, and the adoptive parents.
- (f) Children who shall be considered for adoption shall include:
 - (1) Children who have lost both parents by death, and who have no other strong family ties.

(2) Children whose parents have, with full awareness and understanding, decided to relinquish them voluntarily.

(3) Children whose parents, even with the help of the community resources, are unable or unwilling to give them the care and protection they need, and who can be freed for adoption through court action.

(g) No child may be denied consideration for adoption because of his age, sex, religion, race or nationality, place of residence, settlement, economic or social status, a handicap that does not prevent him from living in a family, or the lack of an available adoptive family.

(h) Attention shall be given to the rights of the child's father whether he is married to the child's mother or not. The rights include, but are not limited to:

(1) Notice of proceedings or hearings.

(2) Counseling.

(i) A reasonable effort shall be made to find out if a putative father intends to establish paternity.

(j) Information in adoption records that identifies the child's natural parents or family shall not be disclosed to anyone after legal adoption, without consent of the court. When all parties to the adoption agree, in writing, to disclose identifying information, the court's consent will not be necessary. Any disclosure of identifying information shall be made immediately after either consent of the court or written consent of all parties to the adoption.

(k) Adoptive parents shall be given such nonidentifying information as is necessary for them to deal with their own, and the child's, needs.

(l) The adoptee shall be given, upon his request, such nonidentifying information as is helpful to his social adjustment. If the adoptee is under 18 years of age, consent shall be obtained from the adoptive parents.

(m) Individuals or agencies providing medical, psychiatric, psychological, social, or other professional services shall be given nonidentifying information necessary for the provision of such services, with the written consent of the person receiving treatment or the person legally acting on his behalf. In the case of involuntary commitment, under the Mental Health and Mental Retardation Act of 1966 (50 P. S. §§ 4101, 4102, 4201—4203, 4301—4305, 4401—4426, 4501—4512, 4601—4606, and 4701—4704), consents are not required. All information is restricted to the agency or institution to which the adopted person is committed.

Cross References

This section cited in 55 Pa. Code § 3350.14 (relating to records).

PROCEDURES**§ 3350.11. Child and natural family.**

(a) A written study of the child and his natural family shall be made to obtain the following information, necessary for determining whether his needs can best be met by adoption:

- (1) A medical history of the child, including the prenatal and neonatal period, and any congenital and hereditary conditions which may need corrective treatment or which may affect future development.
- (2) Physical and mental handicaps which may interfere with normal activity and achievement.
- (3) A developmental history of the child.
- (4) A health and medical history of the natural parents and extended family.
- (5) Background information on the natural parents.

(b) The following services, if needed, shall be made available to natural parents either directly or by referral:

- (1) Counseling.
- (2) Legal services.
- (3) Education services.
- (4) Health-related services.
- (5) Financial assistance.
- (6) Housing services.

§ 3350.12. Adoptive applicants.

(a) The service provider shall make a written study of applicants for the purpose of determining their capacity for adoptive parenthood, using interviews between an agency representative and the prospective parents as the primary source of information. The study shall include:

- (1) A medical history and recent physical examination as evidence that the applicants are in good physical and mental health and able to undertake the responsibilities of parenthood.
- (2) Information concerning marital relationship, emotional, and financial status, and attitudes of the family toward adopting a child.
- (3) A description of the visit to the home and community.

(b) When references are used, they shall come from persons who have observed the applicants in situations that may indicate their capacity for parenthood.

(c) The records shall document the basis for selection of an adoptive home for a child including such factors as:

- (1) Age.
- (2) Social and cultural background.
- (3) Attitudes toward race and religion.

(4) Physical and personality characteristics.

(d) The adoptive applicants shall be kept fully informed as to each phase of the study. The final agency decision as to acceptance or rejection shall be made promptly and shall be explained to the applicants.

§ 3350.13. Placement.

(a) The selection of an adoptive parent and child shall be made on the basis of their suitability for each other, and the record shall indicate the reasoned basis for the selection.

(b) Siblings shall be placed together, if possible.

(c) The desires of the child, whether expressed or implied, shall be considered in his placement.

(d) The service provider with the child in its care or custody shall be responsible for preparing the child for placement, including arranging visits in the home of the adoptive parents before placement.

(e) Direct placement from the hospital to the adoptive home or to a foster home shall be considered when adoption is the plan for the newborn infant.

(f) Adoptive placement shall not be delayed for routine psychological and pediatric evaluations, except for compelling concern about the development of the infant.

(g) Every effort shall be made to avoid more than one placement before adoptive placement.

(h) When adoptive placement is determined to be the best plan for a child beyond the age of infancy, vigorous efforts shall be made to terminate parental rights and effect an adoptive placement.

(i) A minimum of three supervisory visits shall be made with the child and the adoptive parents during the 6 months' resident period, as required by law before adoption. Any decision to extend this period shall be made only for compelling reasons.

(j) Provider agencies shall make known to adoptive parents the availability of continuing counseling services after the finalization of adoption.

§ 3350.14. Records.

(a) The service provider's records shall all contain copies of all pertinent documents, such as:

- (1) Birth records.
- (2) Baptismal certificates.
- (3) Legal documents pertaining to the termination of parental rights.
- (4) Evidence of legal consummation of adoption.

(b) The service provider's records shall contain a statement detailing all information given to the adoptive parents concerning the child's background, as referred to in § 3350.5(j)—(l) (relating to general requirements).

(c) The service provider shall maintain a record for each adoptive home in which a child is placed. It shall contain the basis for the decision to place the child with the applicant, an agreement signed by the service provider and the adoptive family setting forth the conditions of the placement, the date of placement, a summary of supervisory visits, and the date of the final adoption decree.

(d) The service provider shall also maintain a record for each applicant for adoptive parenthood, showing the reasons for acceptance, rejection, or withdrawal.

(e) All the service provider's records concerning adoption shall be treated as confidential. After 4 years, or when the child reaches his 18th birthday, whichever is longer, records may be preserved either by microfilming or by selective retention of information, instead of retaining the entire record. At the option of the agency, all records may be destroyed 50 years from the date of placement.

(f) Records shall be sealed and stored in fireproof, locked, metal files to keep them safe from destruction.

STATEMENT OF POLICY ON ADOPTION RECORD DISCLOSURE PROCEDURES

§ 3350.101. Preparation.

A professional staff person who is experienced and skilled in the provision of adoption services is assigned by the adoption agency to work on behalf of the adoptee to obtain specific adoption record information.

Source

The provisions of this § 3350.101 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

§ 3350.102. Initial contacts.

(a) The designated agent or professional staff person schedules and conducts a face-to-face meeting with the information requester as soon as practical after the court or adoption agency assumes responsibility. The purpose of the meeting is to determine the precise information which is being requested. The session is used also to explain the role, duties and responsibilities of the designated agent or professional staff person.

(b) During the meeting the designated agent or professional staff person discusses with the requester at least the following:

(1) Adoption record disclosure provisions at 23 Pa.C.S. § 2905 (relating to impounding of proceedings and access to records), a copy of which should be provided to the requester.

(2) The limits of the agency's authority.

(3) The rights of a birth parent to decline to have personal or identifying information released.

(4) An explanation of the differing responsibilities of the Department of Health and the Department of Human Services in the release of adoption record information.

Source

The provisions of this § 3550.102 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

§ 3350.103. Review of records.

(a) The designated agent or professional staff person examines adoption agency and adoption court records. The review of the records has two purposes:

(1) To determine whether a birth parent has filed a consent letter with the county orphans' court which permits the disclosure of personal or identifying information.

(2) To obtain basic background information regarding the birth parent's address and family circumstances at the time of the adoptee's birth or adoption.

(b) The collection of information will assist the designated agent or professional staff person in efforts to contact birth parents.

(c) If a birth parent's consent letter has been filed with the court, the designated agent or professional staff person establishes contact and informs the parent that the birth child has made a request for identifying information. During contact with birth parents, suggestions are solicited on the most appropriate way to release information or to arrange a meeting with the adoptee.

(d) The designated agent or professional staff person carries out the release of information or meeting arrangements, as suggested by the birth parents. If continuing involvement of the designated agent or professional staff person is not requested, the role of the designated agent or professional staff person is concluded.

(e) If a birth parent's consent letter, which permits disclosure of personal or identifying information, is not discovered in the court records, the designated agent or professional staff person attempts to contact the birth parent, based on information found in the court record, and by following the search procedure in § 3350.104 (relating to search).

Source

The provisions of this § 3350.103 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

Cross References

This section cited in 55 Pa. Code § 3350.105 (relating to later contacts).

§ 3350.104. Search.

(a) The following sources may be helpful in attempts to locate birth parents:

(1) Pennsylvania Adoption Exchange, Office of Children, Youth and Families, Department of Human Services, (717) 257-7015.

(2) Telephone and other directories for particular geographical areas.

- (3) County court records, such as marriage, birth, death and divorce.
 - (4) Motor vehicle records.
 - (5) Occupational licensing board records.
 - (6) County public agency records, such as public assistance, health, mental health children and youth.
 - (7) State Bureau of Employment Security offices.
 - (8) Federal Social Security Administration offices.
- (b) The designated agent or professional staff person should maintain and ensure as fully as possible the anonymity, confidentiality and privacy of life of a birth parent when search activities are undertaken.
- (c) When a birth parent resides beyond a reasonable distance from the designated agent or professional staff person, the designated agent or professional staff person requests a public agency in the particular community to attempt to make the contact with the birth parent. As in other situations, the contact is to determine the parent's willingness to have requested information disclosed or released.
- (d) The designated agent or professional staff person provides for the assisting agency necessary case background information and other documents which the assisting agency may require in dealings and communications with the birth parent regarding the possible release of information.

Source

The provisions of this § 3550.104 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

Cross References

This section cited in 55 Pa. Code § 3350.103 (relating to review of records).

§ 3350.105. Later contacts.

- (a) Contacts initiated by the designated agent or professional staff person with a birth parent should be discreet and carefully considered. The purpose of discretion is to ensure as completely as possible that no persons beyond the involved individuals learn of the adoptee's existence and relationship to the birth parent.
- (b) The initial meeting between the designated agent or professional staff person and birth parent should be brief and directed towards determining whether the birth parent is willing to have personal or identifying information disclosed to the authorized requester. The meeting should also accomplish the following:
- (1) Explain the reason for the contact.
 - (2) Specify the precise information requested by the adoptee.
 - (3) Clarify the legal necessity of the birth parent's disclosure of personal or identifying information. A birth parent is under no legal obligation to consent to disclosure of personal or identifying information, and cannot be compelled by the designated agent or professional staff person to consent to disclosure.

- (4) Provide the birth parent with a copy of 23 Pa.C.S. § 2905 (relating to impounding of proceedings and access to records).
- (5) Answer relevant questions posed by the birth parent.
- (6) Permit the birth parent time to consider the request for disclosure of information.
- (7) Provide the birth parent with a name, address and telephone number for subsequent contacts with the designated agent or professional staff person regarding possible future disclosure of personal or identifying information.
- (c) If the birth parent consents to the disclosure of personal identifying information, the designated agent or professional staff person proceeds as set forth at § 3350.103(c) (relating to review of records).

Source

The provisions of this § 3350.105 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

§ 3350.106. Meeting between adoptee and birth parent.

- (a) The designated agent or professional staff person arranges a meeting of the adoptee and birth parent, if requested to do so, and neither party objects.
- (b) Following arrangement of the meeting of the adoptee with the birth parent, the case responsibility of the designated agent or professional staff person ends, unless continuation is requested by either the adoptee or the birth parent.

Source

The provisions of this § 3350.106 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

§ 3350.107. Referral to Department of Health.

Requests for information regarding the adoptee's original certificate of birth, documents of proof on which the amended certificate of birth is based or relating to obtaining information held by the Department of Health should be referred to the Department of Health, Division of Vital Records, Post Office Box 1528, New Castle, Pennsylvania 16503, (412) 656-3100.

Source

The provisions of this § 3350.107 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

§ 3350.108. Conclusion.

- (a) The designated agent or professional staff person writes a concluding letter to the adoptee which indicates completion of adoption record disclosure responsibilities according to 23 Pa.C.S. § 2905 (relating to impounding of proceedings and access to records).
- (b) The designated agent or professional staff person prepares a brief report which describes the results of the birth parent search and contact effort. A copy of the report is retained by the designated agent or professional staff person. Other copies are provided to the birth parent and to the county orphans' court.

Source

The provisions of this § 3350.108 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2788.

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