

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 162 Session of 2015

INTRODUCED BY BENNINGHOFF, WATSON, BAKER, BLOOM, V. BROWN, BROWNLEE, CAUSER, COHEN, D. COSTA, DAVIS, DIAMOND, EVERETT, FLYNN, GABLER, GILLEN, GINGRICH, GODSHALL, HARKINS, HEFFLEY, IRVIN, JAMES, KINSEY, KNOWLES, KORTZ, LAWRENCE, MAJOR, MALONEY, METCALFE, MILLARD, MURT, O'NEILL, PICKETT, ROZZI, SONNEY, WARNER, ZIMMERMAN, FARRY, MENTZER, THOMAS, JOZWIAK, MARSICO, SANTORA, DeLISSIO, BOYLE, BRIGGS, BULLOCK, MCCLINTON, CALTAGIRONE, BARBIN AND DEAN, FEBRUARY 17, 2015

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED, SEPTEMBER 28, 2016

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 definitions and for original birth record.

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

6 Section 1. The definition of "summary of original birth
7 record" in section 2911 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a definition to read:

10 § 2911. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

1 "Noncertified copy of original birth record." A summary of
2 original birth record, similar in form to a certified copy of an
3 original birth record and consisting of only the names and ages
4 of the birth parents, the date and county of the birth of the
5 child and the name given to the child at birth.

6 * * *

7 ["Summary of original birth record." The summary of original
8 birth record, consisting of only the names and ages of the birth
9 parents, the date and county of the birth of the child and the
10 name of the child given at birth.]

11 Section 2. Section 2937 of Title 23 is amended to read:

12 § 2937. Original birth record.

13 [(a) General rule.--No disclosure of information shall be
14 made by a court, an agency, the Department of Health or any
15 other Commonwealth agency regarding an adoptee's original birth
16 record or regarding the documents or proof on which an amended
17 certificate of birth is based or relating in any way to the
18 birth parents unless the disclosure is made pursuant to the
19 provisions of this section.

20 (b) Filing of consent to issue copy of summary of original
21 birth record.--

22 (1) The birth parents may, at the time their parental
23 rights are terminated or at any time thereafter, place on
24 file with the court and the Department of Health a consent
25 form granting permission for the court or the Department of
26 Health to issue a copy of the summary of the adoptee's
27 original birth record, which summary discloses the identity
28 of the birth parents, at any time after the adoptee turns 18
29 years of age or, if less than 18 years of age, to the
30 adoptive parent or legal guardian.

1 (2) If only one birth parent has filed a consent, a copy
2 of the summary of the original birth record naming only the
3 consenting birth parent shall be issued.

4 (3) The consent of a birth parent may be withdrawn at
5 any time by filing a withdrawal of consent form with the
6 court and the Department of Health.

7 (c) Duty of Department of Health.--The Department of Health
8 shall prescribe by regulation the procedure and forms to be
9 utilized for the giving, updating and withdrawal of consent.]

10 (a) General rule.--Notwithstanding any other provision of
11 law, an adoptee who is at least 18 years of age and who has
12 graduated from high school, completed a General Educational
13 Development program or has legally withdrawn from secondary
14 schooling or, if the adoptee is deceased, the adoptee's
15 descendants, may apply to the Department of Health for the
16 adoptee's noncertified copy of original birth record. Subject to
17 subsections (b) and (c), the Department of Health shall issue a
18 noncertified copy of original birth record within 45 days of
19 receipt of an application, if the application complies with the
20 requirements of subsection (d).

21 (b) Contact preference.--The Department of Health shall
22 develop and, upon request, make available to each birth parent
23 named on the original birth certificate a contact preference
24 form on which the birth parent may state a preference regarding
25 contact by an adoptee who is the birth child of the birth
26 parent. Upon such request, the Department of Health shall also
27 provide the birth parent with an updated medical history form,
28 which shall be completed and returned, together with the
29 completed contact preference form, by the birth parent to the
30 Department of Health. The contact preference form shall provide

1 the birth parent with options, in substantially the following
2 form, from which the birth parent shall select one:

3 (1) I would like to be contacted. I have completed the
4 contact preference form and an updated medical history form
5 and am filing them with the Department of Health.

6 (2) I would prefer to be contacted only through an
7 intermediary. I have completed the contact preference form
8 and an updated medical history form and am filing them with
9 the Department of Health.

10 (3) Do not contact me. I may change this preference by
11 filling out another contact preference form. I have completed
12 the contact preference form and an updated medical history
13 form and am filing them with the Department of Health.

14 (c) Redaction request form.--A birth parent may request that
15 the birth parent's name be redacted from a noncertified copy of
16 original birth record issued to an adoptee in accordance with
17 the following:

18 (1) The Department of Health shall prescribe a birth
19 parent's name redaction request form. The form shall include
20 all of the following:

21 (i) Information about the procedures and
22 requirements for a birth parent to do either of the
23 following:

24 (A) Have the form placed in the adoption file of
25 the adoptee who is the birth child of the birth
26 parent so that the birth parent's name is redacted
27 from the noncertified copy of original birth record
28 issued to the adoptee.

29 (B) Have the form removed from the adoption file
30 of the adoptee if the birth parent later decides to

1 permit the birth parent's name to be included on the
2 noncertified copy of original birth record.

3 (ii) Provisions necessary for the Department of
4 Health to be able to identify the adoption file of the
5 adoptee to whom the form pertains.

6 (iii) A place for the birth parent to attest that
7 the birth parent is the birth parent of the adoptee to
8 whom the form pertains.

9 (2) The Department of Health shall make a birth parent's
10 name redaction request form available upon request ~~for six~~ <--
11 ~~months following the effective date of this section~~ <--
12 SUBSECTION. The Department of Health shall accept a name <--
13 redaction request form if all of the following apply:

14 ~~(i) The form is submitted to the Department of <--~~
15 ~~Health not later than six months after the effective date~~
16 ~~of this subsection.~~

17 ~~(ii) (I) The form has been notarized. <--~~

18 ~~(iii) (II) The birth parent provides two items of <--~~
19 ~~identification of the birth parent.~~

20 ~~(iv) (III) If a medical history for the birth parent <--~~
21 ~~was not previously prepared, or the medical history was~~
22 ~~prepared but needs to be updated, the birth parent does~~
23 ~~the following, as appropriate:~~

24 (A) Completes a medical history form.

25 (B) Updates the birth parent's medical history
26 information.

27 ~~(v) (IV) The Department of Health is satisfied that <--~~
28 ~~the form has been substantially completed.~~

29 (3) The Department of Health shall file an accepted name
30 redaction request form in the adoption file of the adoptee to

1 whom the form pertains.

2 (4) A birth parent may request at any time that the
3 Department of Health remove the name redaction request form
4 from the adoption file of the adoptee to whom the form
5 pertains. The Department of Health shall remove the form if
6 the birth parent provides the department all of the
7 following:

8 (i) Two items of identification of the birth parent.

9 (ii) Information the Department of Health needs to
10 be able to identify the adoption file of the adoptee to
11 whom the form pertains.

12 (iii) A notarized attestation that the birth parent
13 is the birth parent of the adoptee to whom the form
14 pertains.

15 (5) A name redaction request form removed from an
16 adoption file shall be destroyed.

17 (6) The Department of Health shall include on its
18 Internet website information about birth parent's PARENTS' <--
19 name redaction request forms. All of the following
20 information shall be provided:

21 (i) The purpose of the form.

22 (ii) The procedures to be followed and requirements
23 to be met for the Department of Health to accept the
24 form.

25 (iii) The date when birth parents may begin to file
26 the form with the Department of Health.

27 ~~(iv) The date when the form may no longer be filed~~ <--
28 ~~with the Department of Health.~~

29 ~~(v) (IV) The procedures to be followed and~~ <--
30 ~~requirements to be met for having the form removed from~~

1 an adoption file.

2 ~~(vi)~~ (V) Any other information the Department of <--
3 Health considers necessary.

4 ~~(7) (i)~~ Every five years an adoptee who was issued a <--
5 noncertified copy of original birth record with a birth
6 parent's name redacted may request that the department
7 contact the birth parent to determine whether the birth
8 parent will:

9 ~~(A)~~ permit the birth parent's name to be
10 included on the noncertified copy of original birth
11 record; and

12 ~~(B)~~ provide an updated medical history form.

13 ~~(ii)~~ If the birth parent is deceased DIES AFTER <--
14 SUBMITTING A NAME REDACTION REQUEST FORM, a noncertified
15 copy of original birth record shall MAY be provided to <--
16 the adoptee without redaction of the deceased birth
17 parent's name.

18 (d) Application.--An application under subsection (a) shall
19 be in a form acceptable to the Department of Health and shall
20 include the following information:

21 (1) The adoptee's current name and name assumed at the
22 time of adoption.

23 (2) The adoptee's address.

24 (3) The adoptee's age and date of birth.

25 (4) The adoptee's gender at birth.

26 (5) Proof of identification.

27 (6) The adoptee's telephone number.

28 (7) Any other information required by the Department of
29 Health, but only to the extent the information is necessary
30 for the Department of Health to verify the identity of the

1 applicant, locate the relevant records or provide the
2 adoptee's noncertified copy of original birth record to the
3 adoptee.

4 (e) Application procedures.--The Department of Health shall
5 develop policies and procedures necessary to comply with this
6 section within 210 days of the effective date of this
7 subsection.

8 (f) Fee.--The Department of Health may charge a fee for
9 issuing a noncertified copy of original birth record as required
10 by this section. The fee charged shall not exceed the fee for a
11 certified copy of an original birth record provided in section
12 609-A of the act of April 9, 1929 (P.L.177, No.175), known as
13 The Administrative Code of 1929.

14 (g) Construction.--Nothing in this section shall be
15 construed to permit disclosure of an adoptee's birth record to
16 the birth parents of an adoptee.

17 Section 3. This act shall take effect as follows:

18 (1) Except as set forth in paragraph (2), the amendment
19 of 23 Pa.C.S. § 2937 shall take effect in one year.

20 (2) The addition of 23 Pa.C.S. § 2937(e) shall take
21 effect immediately.

22 (3) The remainder of this act shall take effect
23 immediately.