

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 162 Session of
2013

INTRODUCED BY BENNINGHOFF, DAVIS, CALTAGIRONE, EMRICK, GINGRICH,
MILLARD, MAJOR, MUNDY, PICKETT, O'BRIEN, D. COSTA, KORTZ,
O'NEILL, FLECK, C. HARRIS, REESE, LAWRENCE, KNOWLES, CAUSER,
CLYMER, WATSON, THOMAS, SWANGER, COHEN, ROCK, YOUNGBLOOD,
EVERETT, HELM, GROVE, GILLEN, DENLINGER, FARRY, MOUL,
HEFFLEY, QUINN, BISHOP, ROZZI AND MAHONEY, JANUARY 17, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 22, 2013

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. Section 2937 of Title 23 of the Pennsylvania~~ <--
7 ~~Consolidated Statutes, is amended to read:~~

8 SECTION 1. THE DEFINITION OF "SUMMARY OF ORIGINAL BIRTH <--
9 RECORD" IN SECTION 2911 OF TITLE 23 OF THE PENNSYLVANIA
10 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
11 ADDING A DEFINITION TO READ:

12 § 2911. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 * * *

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 OF THE CHILD GIVEN 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 19 years of age or older may apply to the
12 Department of Health for a ~~copy of the summary~~ NONCERTIFIED COPY <--
13 of the adoptee's original birth record. The Department of Health
14 shall issue a ~~copy of the summary~~ NONCERTIFIED COPY of the <--
15 adoptee's original birth record within 45 days of receipt of an
16 application, if the application complies with the requirements
17 of subsection (b).

18 (b) Application.--An application under this section shall be
19 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 a ~~copy of~~ <--
2 ~~the summary~~ NONCERTIFIED COPY of the adoptee's original birth <--
3 record to the adoptee.

4 (c) Application procedures.--The Department of Health shall
5 develop policies and procedures necessary to comply with this
6 section within 180 days of the effective date of this
7 subsection.

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

15 Section 2 3. This act shall take effect as follows: <--

16 (1) Except as set forth in paragraph (2), the amendment
17 of 23 Pa.C.S. § 2937 shall take effect in ~~60~~ 180 days. <--

18 (2) The addition of 23 Pa.C.S. § 2937(c) shall take
19 effect immediately.

20 (3) The remainder of this act shall take effect
21 immediately.