

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, BRIGGS, MENTZER, THOMAS, JOZWIAK, MARSICO, SANTORA AND DeLISSIO, FEBRUARY 17, 2015

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 25, 2015

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 \* \* \*

15 "Noncertified copy of original birth record." A summary of

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

5 \* \* \*

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

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

11 § 2937. Original birth record.

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

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

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

30 (2) If only one birth parent has filed a consent, a copy

1 of the summary of the original birth record naming only the  
2 consenting birth parent shall be issued.

3 (3) The consent of a birth parent may be withdrawn at  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

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

9 (a) General rule.--Notwithstanding any other provision of  
10 law, an adoptee who is ~~19 years of age or older~~ AT LEAST 18 <--  
11 YEARS OF AGE AND WHO HAS GRADUATED FROM HIGH SCHOOL, COMPLETED A  
12 GENERAL EDUCATIONAL DEVELOPMENT PROGRAM OR HAS LEGALLY WITHDRAWN  
13 FROM SECONDARY SCHOOLING or, if the adoptee is deceased, the  
14 adoptee's descendants, may apply to the Department of Health for  
15 the adoptee's noncertified copy of original birth record.  
16 Subject to ~~subsection (b)~~ SUBSECTIONS (B) AND (C), the <--  
17 Department of Health shall issue a noncertified copy of original  
18 birth record within 45 days of receipt of an application, if the  
19 application complies with the requirements of ~~subsection (e)~~ <--  
20 (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. THE  
12          DEPARTMENT OF HEALTH SHALL ACCEPT A NAME REDACTION REQUEST  
13          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) THE FORM HAS BEEN NOTARIZED.

18           (III) THE BIRTH PARENT PROVIDES TWO ITEMS OF  
19           IDENTIFICATION OF THE BIRTH PARENT.

20           (IV) IF A MEDICAL HISTORY FOR THE BIRTH PARENT WAS  
21           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) THE DEPARTMENT OF HEALTH IS SATISFIED THAT THE  
28           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 NAME  
19 REDACTION REQUEST FORMS. ALL OF THE FOLLOWING INFORMATION  
20 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) THE PROCEDURES TO BE FOLLOWED AND REQUIREMENTS  
30 TO BE MET FOR HAVING THE FORM REMOVED FROM AN ADOPTION

1 FILE.

2 (VI) ANY OTHER INFORMATION THE DEPARTMENT OF HEALTH  
3 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, A NONCERTIFIED  
14 COPY OF ORIGINAL BIRTH RECORD SHALL BE PROVIDED TO THE  
15 ADOPTEE WITHOUT REDACTION OF THE DECEASED BIRTH PARENT'S  
16 NAME.

17 ~~(e)~~ (D) Application.--An application under ~~this section~~ <--  
18 SUBSECTION (A) shall be in a form acceptable to the Department <--  
19 of Health and shall include the following information:

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

22 (2) The adoptee's address.

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

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

25 (5) Proof of identification.

26 (6) The adoptee's telephone number.

27 (7) Any other information required by the Department of  
28 Health, but only to the extent the information is necessary  
29 for the Department of Health to verify the identity of the  
30 applicant, locate the relevant records or provide the

1 adoptee's noncertified copy of original birth record to the  
2 adoptee.

3 ~~(d)~~ (E) Application procedures.--The Department of Health <--  
4 shall develop policies and procedures necessary to comply with  
5 this section within ~~180~~ 210 days of the effective date of this <--  
6 subsection.

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

13 ~~(f)~~ (G) Construction.--Nothing in this section shall be <--  
14 construed to permit disclosure of an adoptee's birth record to  
15 the birth parents of an adoptee.

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

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

19 (2) The addition of 23 Pa.C.S. ~~§ 2937(d)~~ § 2937(E) shall <--  
20 take effect immediately.

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