

PROVIDING FOR PERMANENT BIRTH RECORDS
Act of Jul. 16, 1941, P.L. 405, No. 154
AN ACT

Cl. 35

Providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees, and imposing certain duties upon the orphans' court and the Bureau of Vital Statistics of the Department of Health; authorizing the orphans' court to appoint masters for the determination of certain questions, and requiring counties to pay the compensation of such masters.

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

Section 1. Any person having been born in the Commonwealth of Pennsylvania prior to January first, one thousand nine hundred and six, whose record of birth is not contained in the records of the orphans' court of the county in which he was born, or whose record of birth is incomplete or incorrect, may have a record of his birth filed and recorded or corrected in the office of the clerk of the orphans' court of the county in which he was born by presenting a petition to said orphans' court, alleging the fact that no record of his birth exists or that said record is incomplete or incorrect and setting forth so much of the following information as is available and a statement that the information not supplied cannot be obtained and the reasons therefor:

(a) Place and date of birth, including state, county, city, borough, town, township or village. If in a hospital or other institution, the name of the same shall be given as well as the residence of the parents and the post office address of the parents;

- (b) Full name;
- (c) Sex;
- (d) Whether a twin or other plural birth;
- (e) Whether the birth was legitimate or illegitimate;
- (f) Full name of father, when legitimate;
- (g) Color or race of father;
- (h) Birthplace of father and age at birth of applicant, if known;
- (i) Occupation of father, if known;
- (j) Residence of parents, if living and known;
- (k) Occupation;
- (l) Maiden name of mother;
- (m) Color or race of mother;
- (n) Birthplace of mother and age at birth of applicant, if known;
- (o) Occupation of mother, if known;
- (p) Number of children of this mother, if known, and number

of children of this mother now living, if known;

(q) (1) A certificate written in the English language, signed by the doctor or midwife in attendance at the birth of such person, or

(2) A certificate written in the English language, signed by such person, accompanied by a baptismal record kept by a bona fide ecclesiastical body, and certified by a priest, minister or other officer of said body, or, if it is impossible to obtain such records, then an affidavit to that effect by such priest, minister or other officer, or

(3) A certificate written in the English language, signed by such person and by a parent or near relative of such person who has lived with the person or family and has knowledge of the facts contained in such affidavit, or

(4) A certificate written in the English language, signed by such person and by two other persons who have had adequate means of knowledge of the facts contained in such affidavit or of the family tradition thereon: Provided, That such last mentioned persons need not be related by blood or marriage if they have been connected with the family so long and so intimately as to have acquired knowledge of the facts: Provided, however, That if the information required above is not available the court may require such other information, including public or private records, as will satisfy it.

Every certificate filed under this section shall be supported by an affidavit or affirmation on behalf of each person signing the certificate, attesting the correctness of the information given therein, which affidavit or affidavits shall be a part of the record of birth, and a copy of such affidavit or affidavits shall accompany each certified copy of any record of such birth issued by the clerk of the orphans' court. In order that the form of petition in the several counties may be uniform, the Bureau of Vital Statistics of the Department of Health shall prescribe the form of petition and certificate required under section one of this act.

(1 amended May 21, 1943, P.L.377, No.177)

Section 2. Upon presentation of said petition by the clerk of the orphans' court, or after hearing had, the said court, if satisfied of the truth and accuracy of the facts alleged therein, shall order the record of the birth of the petitioner to be filed and recorded and indexed in the office of the clerk of the orphans' court in said county upon the payment of a filing fee of two dollars and fifty cents (\$2.50), which payment shall entitle the petitioner to a certified copy of said record.

The orphans' court is hereby authorized to appoint a standing master or masters to whom such petitions may be referred, who shall upon such reference hold the hearing specified in this section and make recommendations to the orphans' court for approval or disapproval of the petition with an appropriate form of decree. Such master or masters shall be paid by the county such compensation as the orphans' court shall fix.

Section 3. There shall be provided at the expense of the county a special docket book or register wherein such records of birth shall be duly entered.

Section 4. A record of birth so established or a duly

certified copy of the same shall be prima facie evidence of all matters therein contained and shall be admissible in all judicial proceedings.

Section 5. A certified copy of any such birth record shall be furnished to any applicant upon payment to the clerk of said court of the sum of one dollar (\$1).

(5 amended June 5, 1957, P.L.259, No.127)

Section 6. In addition to any other penalties provided by existing law, any person who shall make any affidavit, statement, record or certification under the provisions of this act, knowing the same to be false, shall, upon summary conviction therefor, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00), and the costs of prosecution, and, upon failure to pay such fine and costs, shall be imprisoned not more than ninety (90) days.

Section 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 8. The provisions of this act shall become effective immediately upon final enactment.