

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 REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 16, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 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 § 2937. Original birth record.

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

16 (b) Filing of consent to issue copy of summary of original

1 birth record.--

2 (1) The birth parents may, at the time their parental
3 rights are terminated or at any time thereafter, place on
4 file with the court and the Department of Health a consent
5 form granting permission for the court or the Department of
6 Health to issue a copy of the summary of the adoptee's
7 original birth record, which summary discloses the identity
8 of the birth parents, at any time after the adoptee turns 18
9 years of age or, if less than 18 years of age, to the
10 adoptive parent or legal guardian.

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

14 (3) The consent of a birth parent may be withdrawn at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

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

20 ~~(d) Exception. Notwithstanding the provisions of this <--~~
21 ~~section, the Bureau of Vital Statistics of the Department of~~
22 ~~Health shall disclose, at the written request of an adoptee, the~~
23 ~~original or amended certificate of birth of the adoptee in~~
24 ~~accordance with the provisions of the act of June 29, 1953~~
25 ~~(P.L.304, No.66), known as the Vital Statistics Law of 1953.~~

26 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF <--
27 LAW, AN ADOPTEE WHO IS 19 YEARS OF AGE OR OLDER MAY APPLY TO THE
28 DEPARTMENT OF HEALTH FOR A COPY OF THE SUMMARY OF THE ADOPTEE'S
29 ORIGINAL BIRTH RECORD. THE DEPARTMENT OF HEALTH SHALL ISSUE A
30 COPY OF THE SUMMARY OF THE ADOPTEE'S ORIGINAL BIRTH RECORD

1 WITHIN 45 DAYS OF RECEIPT OF AN APPLICATION, IF THE APPLICATION
2 COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (B).

3 (B) APPLICATION.--AN APPLICATION UNDER THIS SECTION SHALL BE
4 IN A FORM ACCEPTABLE TO THE DEPARTMENT OF HEALTH AND SHALL
5 INCLUDE THE FOLLOWING INFORMATION:

6 (1) THE ADOPTEE'S CURRENT NAME AND NAME ASSUMED AT THE
7 TIME OF ADOPTION.

8 (2) THE ADOPTEE'S ADDRESS.

9 (3) THE ADOPTEE'S AGE AND DATE OF BIRTH.

10 (4) THE ADOPTEE'S GENDER AT BIRTH.

11 (5) PROOF OF IDENTIFICATION.

12 (6) THE ADOPTEE'S TELEPHONE NUMBER.

13 (7) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OF
14 HEALTH, BUT ONLY TO THE EXTENT THE INFORMATION IS NECESSARY
15 FOR THE DEPARTMENT OF HEALTH TO VERIFY THE IDENTITY OF THE
16 APPLICANT, LOCATE THE RELEVANT RECORDS OR PROVIDE A COPY OF
17 THE SUMMARY OF THE ADOPTEE'S ORIGINAL BIRTH RECORD TO THE
18 ADOPTEE.

19 (C) APPLICATION PROCEDURES.--THE DEPARTMENT OF HEALTH SHALL
20 DEVELOP POLICIES AND PROCEDURES NECESSARY TO COMPLY WITH THIS
21 SECTION WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS
22 SUBSECTION.

23 (D) FEE.--THE DEPARTMENT OF HEALTH MAY CHARGE A FEE FOR
24 ISSUING A COPY OF THE SUMMARY OF AN ADOPTEE'S ORIGINAL BIRTH
25 RECORD AS REQUIRED BY THIS SECTION. THE FEE CHARGED SHALL NOT
26 EXCEED THE FEE FOR A CERTIFIED COPY OF AN ORIGINAL BIRTH RECORD
27 PROVIDED IN SECTION 609-A OF THE ACT OF APRIL 9, 1929 (P.L.177,
28 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

29 Section 2. This act shall take effect ~~April 25, 2014, or in~~ <--
30 ~~60 days, whichever is later.~~ AS FOLLOWS: <--

1 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE AMENDMENT
2 OF 23 PA.C.S. § 2937 SHALL TAKE EFFECT IN 60 DAYS.

3 (2) THE ADDITION OF 23 PA.C.S. § 2937(C) SHALL TAKE
4 EFFECT IMMEDIATELY.

5 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
6 IMMEDIATELY.