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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 162 Session of  
2013

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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, MAHONEY AND METCALFE,  
JANUARY 17, 2013

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SENATOR VULAKOVICH, AGING AND YOUTH, IN SENATE, AS AMENDED,  
SEPTEMBER 16, 2014

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## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, IN PROCEEDINGS PRIOR TO PETITION TO <--  
3 ADOPT, FURTHER PROVIDING FOR HEARING, FOR ALTERNATIVE  
4 PROCEDURE FOR RELINQUISHMENT AND FOR GROUNDS FOR INVOLUNTARY  
5 TERMINATION; AND in adoption, further providing for  
6 definitions, FOR FILING INFORMATION WITH REGISTRY and for <--  
7 original birth record.

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

10 ~~Section 1. The definition of "summary of original birth~~ <--  
11 ~~record" in section 2911 of Title 23 of the Pennsylvania~~  
12 ~~Consolidated Statutes is amended and the section is amended by~~  
13 ~~adding a definition to read:~~

14 SECTION 1. SECTIONS 2503, 2504 AND 2511 OF TITLE 23 OF THE <--  
15 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED BY ADDING  
16 SUBSECTIONS TO READ:

17 § 2503. HEARING.

1 \* \* \*

2 (F) RIGHT TO FILE DENIAL OF RELEASE AND REVOCATION OF  
3 DENIAL.--AT THE TIME THE DECREE OF TERMINATION IS TRANSMITTED TO  
4 THE PARENT WHOSE RIGHTS ARE TERMINATED, THE COURT SHALL ADVISE  
5 THAT PARENT, IN WRITING, OF THE PARENT'S RIGHT TO FILE A DENIAL  
6 OF RELEASE UNDER SECTION 2937(B) (RELATING TO ORIGINAL BIRTH  
7 RECORD), AND A REVOCATION OF DENIAL OF RELEASE UNDER SECTION  
8 2937(C), AND SHALL PROVIDE COPIES OF THE DEPARTMENT OF HEALTH'S  
9 DENIAL OF RELEASE AND REVOCATION OF DENIAL OF RELEASE FORMS TO  
10 THE PARENT.

11 § 2504. ALTERNATIVE PROCEDURE FOR RELINQUISHMENT.

12 \* \* \*

13 (E) RIGHT TO FILE DENIAL OF RELEASE AND REVOCATION OF  
14 DENIAL.--AT THE TIME THE DECREE OF TERMINATION IS TRANSMITTED TO  
15 THE PARENT WHOSE RIGHTS ARE TERMINATED, THE COURT SHALL ADVISE  
16 THE PARENT, IN WRITING, OF THE PARENT'S RIGHT TO FILE A DENIAL  
17 OF RELEASE UNDER SECTION 2937(B) (RELATING TO ORIGINAL BIRTH  
18 RECORD), AND A REVOCATION OF DENIAL OF RELEASE UNDER SECTION  
19 2937(C), AND SHALL PROVIDE COPIES OF THE DEPARTMENT OF HEALTH'S  
20 DENIAL OF RELEASE AND REVOCATION OF DENIAL OF RELEASE FORMS TO  
21 THE PARENT.

22 § 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

23 \* \* \*

24 (D) RIGHT TO FILE DENIAL OF RELEASE AND REVOCATION OF  
25 DENIAL.--AT THE TIME THE DECREE OF TERMINATION IS TRANSMITTED TO  
26 THE PARENT WHOSE RIGHTS ARE TERMINATED, THE COURT SHALL ADVISE  
27 THE PARENT, IN WRITING, OF THE PARENT'S RIGHT TO FILE A DENIAL  
28 OF RELEASE UNDER SECTION 2937(B) (RELATING TO ORIGINAL BIRTH  
29 RECORD), AND A REVOCATION OF DENIAL OF RELEASE UNDER SECTION  
30 2937(C), AND SHALL PROVIDE COPIES OF THE DEPARTMENT OF HEALTH'S

1 DENIAL OF RELEASE AND REVOCATION OF DENIAL OF RELEASE FORMS TO  
2 THE PARENT.

3 SECTION 2. THE DEFINITION OF "SUMMARY OF ORIGINAL BIRTH  
4 RECORD" IN SECTION 2911 OF TITLE 23 IS AMENDED AND THE SECTION  
5 IS AMENDED BY ADDING A DEFINITION TO READ:

6 § 2911. Definitions.

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

10 \* \* \*

11 "Noncertified copy of original birth record." A summary of  
12 original birth record, similar in form to a certified copy of an  
13 original birth record and consisting of only the names and ages  
14 of the birth parents, the date and county of the birth of the  
15 child and the name of the child given at birth.

16 \* \* \*

17 ["Summary of original birth record." The summary of original  
18 birth record, consisting of only the names and ages of the birth  
19 parents, the date and county of the birth of the child and the  
20 name of the child given at birth.]

21 ~~Section 2. Section 2937 of Title 23 is amended to read: <--~~

22 SECTION 3. SECTIONS 2923 AND 2937 OF TITLE 23 ARE AMENDED TO <--  
23 READ:

24 § 2923. FILING INFORMATION WITH REGISTRY.

25 (A) BIRTH PARENT.--A BIRTH PARENT SHALL FILE MEDICAL AND  
26 SOCIAL HISTORY INFORMATION, IF KNOWN, WITH THE REGISTRY ON A  
27 FORM DEVELOPED BY THE DEPARTMENT PRIOR TO THE COMPLETION OF AN  
28 ADOPTION. A BIRTH PARENT MAY AT ANY TIME UPDATE MEDICAL AND  
29 SOCIAL HISTORY INFORMATION WITH THE REGISTRY ON A FORM DEVELOPED  
30 BY THE DEPARTMENT.

1       (B) ADOPTEE AND ADOPTIVE PARENT.--AN ADOPTEE[, ] AND AN  
2 ADOPTIVE PARENT [AND A BIRTH PARENT] MAY AT ANY TIME FILE AND  
3 UPDATE MEDICAL AND SOCIAL HISTORY INFORMATION WITH THE REGISTRY  
4 ON A FORM DEVELOPED BY THE DEPARTMENT.

5 § 2937. Original birth record.

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

13       (b) Filing of consent to issue copy of summary of original  
14 birth record.--

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

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

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

30       (c) Duty of Department of Health.--The Department of Health

1 shall prescribe by regulation the procedure and forms to be  
2 utilized for the giving, updating and withdrawal of consent.]

3 (a) General rule.--Notwithstanding any other provision of  
4 law, an adoptee who is 19 years of age or older may apply to the  
5 Department of Health for a THE ADOPTEE'S noncertified copy of <--  
6 the adoptee's original birth record. The Department of Health <--  
7 shall issue a noncertified copy of the adoptee's original birth <--  
8 record within 45 days of receipt of an application, if the  
9 application complies with the requirements of subsection (b).-- <--

10 (D) AND A DENIAL OF RELEASE HAS NOT BEEN FILED WITH THE <--  
11 DEPARTMENT UNDER SUBSECTION (B).

12 (B) DENIAL OF RELEASE.--A BIRTH PARENT MAY, AT ANY TIME,  
13 FILE A DENIAL OF RELEASE WITH THE DEPARTMENT OF HEALTH. THE  
14 DEPARTMENT OF HEALTH MAY NOT ISSUE A NONCERTIFIED COPY OF  
15 ORIGINAL BIRTH RECORD TO AN ADOPTEE OF A BIRTH PARENT WHO HAS  
16 FILED A DENIAL OF RELEASE. THE DEPARTMENT OF HEALTH SHALL  
17 PRESCRIBE THE FORM AND MANNER IN WHICH A BIRTH PARENT MAY FILE A  
18 DENIAL OF RELEASE.

19 (C) REVOCATION OF DENIAL OF RELEASE.--A BIRTH PARENT MAY, AT  
20 ANY TIME, REVOKE THE BIRTH PARENT'S DENIAL OF RELEASE FILED  
21 UNDER SUBSECTION (B). THE REVOCATION OF A DENIAL OF RELEASE MUST  
22 BE SUBMITTED TO THE DEPARTMENT OF HEALTH IN WRITING OR IN A  
23 MANNER PRESCRIBED BY THE DEPARTMENT. UPON RECEIPT OF A  
24 REVOCATION, THE DEPARTMENT OF HEALTH SHALL REVIEW ITS RECORDS TO  
25 IDENTIFY ANY ADOPTEE SUBJECT TO THE REVOCATION WHO WAS  
26 PREVIOUSLY DENIED A NONCERTIFIED COPY OF ORIGINAL BIRTH RECORD  
27 AND SHALL PROVIDE NOTICE OF THE REVOCATION TO ANY ADOPTEE SO  
28 IDENTIFIED.

29 (b) (D) Application.--An application under this section <--  
30 SUBSECTION (A) shall be in a form acceptable to the Department <--

1 of Health and shall include the following information:

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

4 (2) The adoptee's address.

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

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

7 (5) Proof of identification.

8 (6) The adoptee's telephone number.

9 (7) Any other information required by the Department of  
10 Health, but only to the extent the information is necessary  
11 for the Department of Health to verify the identity of the  
12 applicant, locate the relevant records or provide a THE <--  
13 ADOPTEE'S noncertified copy of the adoptee's original birth <--  
14 record to the adoptee.

15 (e) (E) Application procedures.--The Department of Health <--  
16 shall develop policies and procedures AND PRESCRIBE FORMS <--  
17 necessary to comply with this section within 180 90 days of the <--  
18 effective date of this subsection. THE DEPARTMENT OF HEALTH <--  
19 SHALL MAKE AVAILABLE DENIAL OF RELEASE AND REVOCATION OF DENIAL  
20 OF RELEASE FORMS FOR FILING BY BIRTH PARENTS NO LATER THAN 90  
21 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION. THE FORMS  
22 SHALL BE AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.

23 (d) (F) Fee.--The Department of Health may charge a fee for <--  
24 issuing a noncertified copy 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 3. This act shall take effect as follows: <--

30 (1) Except as set forth in paragraph (2), the amendment

1 ~~of 23 Pa.C.S. § 2937 shall take effect in 180 days.~~

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

4 ~~(3) The remainder of this act shall take effect~~  
5 ~~immediately.~~

6 (G) DECEASED BIRTH PARENT.--UPON REQUEST OF AN ADOPTEE, THE <--  
7 DEPARTMENT OF HEALTH SHALL ISSUE A NONCERTIFIED COPY OF ORIGINAL  
8 BIRTH RECORD TO THE ADOPTEE IF THE ADOPTEE'S BIRTH PARENT IS  
9 DECEASED.

10 SECTION 4. THE AMENDMENT OR ADDITION OF THE DEFINITIONS OF  
11 "NONCERTIFIED COPY OF ORIGINAL BIRTH RECORD" AND "SUMMARY OF  
12 ORIGINAL BIRTH RECORD" IN 23 PA.C.S. § 2911 AND OF 23 PA.C.S. §§  
13 2503(F), 2504(E), 2511(D), 2923 AND 2937 SHALL APPLY AS FOLLOWS:

14 (1) FOR ADOPTIONS WHICH ARE INITIATED ON OR AFTER THE  
15 EFFECTIVE DATE OF THIS SECTION, BEGINNING 90 DAYS FOLLOWING  
16 THE EFFECTIVE DATE OF 23 PA.C.S. § 2937(E).

17 (2) FOR ADOPTIONS FINALIZED OR REGISTERED IN THIS  
18 COMMONWEALTH PRIOR TO THE EFFECTIVE DATE OF THIS SECTION,  
19 BEGINNING JANUARY 1, 2018.

20 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

21 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
22 IMMEDIATELY:

23 (I) THE ADDITION OF 23 PA.C.S. § 2937(E).

24 (II) SECTION 4 OF THIS ACT.

25 (III) THIS SECTION.

26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90  
27 DAYS.