

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 736 Session of 2023

INTRODUCED BY DUSH AND DILLON, JUNE 6, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 6, 2023

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
 2 Consolidated Statutes, in decrees and records, further
 3 providing for 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 "noncertified copy of original
 7 birth record" in section 2911 of Title 23 of the Pennsylvania
 8 Consolidated Statutes is amended to read:

9 § 2911. Definitions.

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

13 * * *

14 "Noncertified copy of original birth record." A [summary]
 15 photocopy of original birth record[, similar in form to a
 16 certified copy of an original birth record and consisting of
 17 only the names and ages of the birth parents, the date and
 18 county of the birth of the child and the name given to the child
 19 at birth.] with the following notation: "This is not a certified

1 copy of a birth record."

2 * * *

3 Section 2. Section 2937(a) and (c) of Title 23 are amended
4 to read:

5 § 2937. Original birth record.

6 (a) General rule.--Notwithstanding any other provision of
7 law, an adoptee who is at least 18 years of age [and who has
8 graduated from high school, completed a General Educational
9 Development program or has legally withdrawn from secondary
10 schooling] or, if the adoptee is deceased, the adoptee's
11 descendants, may apply to the Department of Health for the
12 adoptee's noncertified copy of original birth record. Subject to
13 [subsections (b) and (c)] subsection (b), the Department of
14 Health shall issue a noncertified copy of original birth record
15 within 45 days of receipt of an application if the application
16 complies with the requirements of subsection (d).

17 * * *

18 [(c) Redaction request form.--A birth parent may request
19 that the birth parent's name be redacted from a noncertified
20 copy of original birth record issued to an adoptee in accordance
21 with the following:

22 (1) The Department of Health shall prescribe a birth
23 parent's name redaction request form. The form shall include
24 all of the following:

25 (i) Information about the procedures and
26 requirements for a birth parent to do either of the
27 following:

28 (A) Have the form placed in the adoption file of
29 the adoptee who is the birth child of the birth
30 parent so that the birth parent's name is redacted

1 from the noncertified copy of original birth record
2 issued to the adoptee.

3 (B) Have the form removed from the adoption file
4 of the adoptee if the birth parent later decides to
5 permit the birth parent's name to be included on the
6 noncertified copy of original birth record.

7 (ii) Provisions necessary for the Department of
8 Health to be able to identify the adoption file of the
9 adoptee to whom the form pertains.

10 (iii) A place for the birth parent to attest that
11 the birth parent is the birth parent of the adoptee to
12 whom the form pertains.

13 (2) The Department of Health shall make a birth parent's
14 name redaction request form available upon request following
15 the effective date of this subsection. The Department of
16 Health shall accept a name redaction request form if all of
17 the following apply:

18 (i) The form has been notarized.

19 (ii) The birth parent provides two items of
20 identification of the birth parent.

21 (iii) If a medical history for the birth parent was
22 not previously prepared, or the medical history was
23 prepared but needs to be updated, the birth parent does
24 the following, as appropriate:

25 (A) Completes a medical history form.

26 (B) Updates the birth parent's medical history
27 information.

28 (iv) The Department of Health is satisfied that the
29 form has been substantially completed.

30 (3) The Department of Health shall file an accepted name

1 redaction request form in the adoption file of the adoptee to
2 whom the form pertains.

3 (4) A birth parent may request at any time that the
4 Department of Health remove the name redaction request form
5 from the adoption file of the adoptee to whom the form
6 pertains. The Department of Health shall remove the form if
7 the birth parent provides the department all of the
8 following:

9 (i) Two items of identification of the birth parent.

10 (ii) Information the Department of Health needs to
11 be able to identify the adoption file of the adoptee to
12 whom the form pertains.

13 (iii) A notarized attestation that the birth parent
14 is the birth parent of the adoptee to whom the form
15 pertains.

16 (5) A name redaction request form removed from an
17 adoption file shall be destroyed.

18 (6) The Department of Health shall include on its
19 Internet website information about birth parents' name
20 redaction request forms. All of the following information
21 shall be provided:

22 (i) The purpose of the form.

23 (ii) The procedures to be followed and requirements
24 to be met for the Department of Health to accept the
25 form.

26 (iii) The date when birth parents may begin to file
27 the form with the Department of Health.

28 (iv) The procedures to be followed and requirements
29 to be met for having the form removed from an adoption
30 file.

1 (v) Any other information the Department of Health
2 considers necessary.

3 (7) If the birth parent dies after submitting a name
4 redaction request form, a noncertified copy of original birth
5 record may be provided to the adoptee without redaction of
6 the deceased birth parent's name.]

7 * * *

8 Section 3. This act shall take effect in 60 days.