

DOMESTIC RELATIONS CODE (23 PA.C.S.) - ORIGINAL BIRTH RECORD

Act of Nov. 3, 2016, P.L. 993, No. 127

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No. 2016-127

HB 162

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for definitions and for original birth record.

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

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

§ 2911. Definitions.

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

* * *

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

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

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

§ 2937. Original birth record.

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

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

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

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

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

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

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

(b) **Contact preference.--The Department of Health shall develop and, upon request, make available to each birth parent named on the original birth certificate a contact preference form on which the birth parent may state a preference regarding contact by an adoptee who is the birth child of the birth parent. Upon such request, the Department of Health shall also provide the birth parent with an updated medical history form, which shall be completed and returned, together with the completed contact preference form, by the birth parent to the Department of Health. The contact preference form shall provide the birth parent with options, in substantially the following form, from which the birth parent shall select one:**

(1) I would like to be contacted. I have completed the contact preference form and an updated medical history form and am filing them with the Department of Health.

(2) I would prefer to be contacted only through an intermediary. I have completed the contact preference form

and an updated medical history form and am filing them with the Department of Health.

(3) Do not contact me. I may change this preference by filling out another contact preference form. I have completed the contact preference form and an updated medical history form and am filing them with the Department of Health.

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

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

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

(A) Have the form placed in the adoption file of the adoptee who is the birth child of the birth parent so that the birth parent's name is redacted from the noncertified copy of original birth record issued to the adoptee.

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

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

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

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

(i) The form has been notarized.

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

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

(A) Completes a medical history form.

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

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

(3) The Department of Health shall file an accepted name redaction request form in the adoption file of the adoptee to whom the form pertains.

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

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

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

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

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

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

(i) The purpose of the form.

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

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

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

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

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

(d) Application.--An application under subsection (a) shall be in a form acceptable to the Department of Health and shall include the following information:

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

(2) The adoptee's address.

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

(4) The adoptee's gender at birth.

(5) Proof of identification.

(6) The adoptee's telephone number.

(7) Any other information required by the Department of Health, but only to the extent the information is necessary for the Department of Health to verify the identity of the applicant, locate the relevant records or provide the adoptee's noncertified copy of original birth record to the adoptee.

(e) Application procedures.--The Department of Health shall develop policies and procedures necessary to comply with this section within 210 days of the effective date of this subsection.

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

(g) Construction.--Nothing in this section shall be construed to permit disclosure of an adoptee's birth record to the birth parents of an adoptee.

Section 3. This act shall take effect as follows:

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

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

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

APPROVED--The 3rd day of November, A.D. 2016.

TOM WOLF

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