
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 162 Session of
2015

INTRODUCED BY BENNINGHOFF, WATSON, BAKER, BLOOM, V. BROWN,
BROWNLEE, CAUSER, COHEN, D. COSTA, DAVIS, DIAMOND, EVERETT,
FLYNN, GABLER, GILLEN, GINGRICH, GODSHALL, HARKINS, HEFFLEY,
IRVIN, JAMES, KINSEY, KNOWLES, KORTZ, LAWRENCE, MAJOR,
MALONEY, METCALFE, MILLARD, MURT, O'NEILL, PICKETT, ROZZI,
SONNEY, WARD, WARNER AND ZIMMERMAN, FEBRUARY 17, 2015

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 17, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 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 "summary of original birth
7 record" in section 2911 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a definition to read:

10 § 2911. Definitions.

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

14 * * *

15 "Noncertified copy of original birth record." A summary of
16 original birth record, similar in form to a certified copy of an

1 original birth record and consisting of only the names and ages
2 of the birth parents, the date and county of the birth of the
3 child and the name given to the child at birth.

4 * * *

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

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

10 § 2937. Original birth record.

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

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

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

29 (2) If only one birth parent has filed a consent, a copy
30 of the summary of the original birth record naming only the

1 consenting birth parent shall be issued.

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

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

8 (a) General rule.--Notwithstanding any other provision of
9 law, an adoptee who is 19 years of age or older or, if the
10 adoptee is deceased, the adoptee's descendants, may apply to the
11 Department of Health for the adoptee's noncertified copy of
12 original birth record. Subject to subsection (b), the Department
13 of Health shall issue a noncertified copy of original birth
14 record within 45 days of receipt of an application, if the
15 application complies with the requirements of subsection (c).

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

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

1 (2) I would prefer to be contacted only through an
2 intermediary. I have completed the contact preference form
3 and an updated medical history form and am filing them with
4 the Department of Health.

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

9 (c) Application.--An application under this section shall be
10 in a form acceptable to the Department of Health and shall
11 include the following information:

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

14 (2) The adoptee's address.

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

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

17 (5) Proof of identification.

18 (6) The adoptee's telephone number.

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

25 (d) Application procedures.--The Department of Health shall
26 develop policies and procedures necessary to comply with this
27 section within 180 days of the effective date of this
28 subsection.

29 (e) Fee.--The Department of Health may charge a fee for
30 issuing a noncertified copy of original birth record as required

1 by this section. The fee charged shall not exceed the fee for a
2 certified copy of an original birth record provided in section
3 609-A of the act of April 9, 1929 (P.L.177, No.175), known as
4 The Administrative Code of 1929.

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

8 Section 3. This act shall take effect as follows:

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

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

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