



Senate Public Health and Welfare Committee

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Summary HB 162 PN 1943

This legislation amends Title 23 (Domestic Relations) regarding adoptee access to an original birth record.

Without the birth parents' affirmative consent, adoptees may apply to the Department of Health (DOH) for a noncertified copy of their original birth record as long as they are at least 18 years of age and have:

- Graduated from high school;
- Completed a General Education Development program; or
- Legally withdrawn from secondary schooling.

If the adoptee is deceased, the adoptee's descendants may apply.

A noncertified copy of an original birth record is similar in form to a certified copy and contains the names and ages of the birth parents, the date and county of birth and the birth name given to the child.

Applications by adoptees shall be in a form acceptable to the DOH and shall include the adoptee's:

- Current name and name assumed at adoption
- Address
- Age and date of birth
- Proof of identification
- Telephone number

If the application contains the information necessary for the DOH to verify the identity of the applicant and locate the relevant records, a noncertified copy of original birth record shall be issued within 45 days of receipt of the application.

The Department of Health shall develop a contact preference form and a name redaction request form for birth parents. These forms, as well as a medical history form, shall be made available to birth parents upon request. The name redaction form shall only be made available for six months from the effective date of the act.

The contact preference form shall provide the birth parent with three options. The birth parents may elect either to be contacted, to be contacted through an intermediary, or not to be contacted at all. An updated medical form may be submitted when selecting any option on the contact preference form.

The redaction request form shall allow the birth parents to elect to have their names redacted from the noncertified copy of the original birth certificate. The form shall include policies and procedures for the birth parents to have the redaction request form placed in the adoption file of the adoptee and to have the form removed if the birth parents change their mind. It shall also include provisions which would allow the DOH to identify the adoption file and for the birth parents to attest that they are the birth parents of the adoptee to whom the form pertains. A redaction request form which is removed from an adoption file shall be destroyed.

The DOH shall honor the redaction request form as long as:

- The form is submitted within the 6 month time frame
- The form has been notarized
- The birth parent provides two forms of identification
- Where appropriate, the birth parent completes or updates a medical history form and
- The DOH is satisfied the form is substantially completed.

The DOH shall post on its internet website information about the name redaction form. The information shall include:

- The purpose of the form
- The procedures and requirements for submission of a valid form
- The date when the form may be filed
- The date when the form may no longer be filed
- The procedures for removal of the form from the adoption file

Every five years, an adoptee who is issued a redacted noncertified copy of original birth record may request the DOH contact the birth parents to inquire whether they would be willing to permit their names to be included and update their medical history form. If the birth parents are deceased, the noncertified copy of original birth record shall be issued without redaction.

The DOH may charge a fee for the issuance of a noncertified copy of original birth record which shall not exceed the fee for a certified copy.

This act would not permit disclosure of an adoptee's birth records to the birth parents.

Effective Dates

Immediately -

The requirement of DOH to develop policies and procedures within 210 days that are necessary to comply with the act.

The responsibility of the DOH to make the name redaction request form available for six months.

The definition of noncertified copy of original birth record and Section 3, the effective date section, of the bill.

One year -

The remainder of the act

Amendment A09630 – Deletes the six month timeframe for a redaction request form to be submitted to the DOH. This would permit birth parents to submit the form at any time. It also deletes the ability of an adoptee to have the DOH contact, every five years, any birth parent who has elected to have their name redacted to determine whether they would like to reconsider or update their medical history.