



# Senate Aging & Youth Committee

**Senator Randy Vulakovich, Chairman**

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## Bill Summary

**Bill Number:** HB 162, P.N. 2579

**Prime Sponsor:** Benninghoff

**Prepared By:** Nathan Silcox

**Date:** September 16, 2014

### A. Synopsis

HB 162 would amend Title 23 (Domestic Relations) by allowing adult adoptees access to their original birth certificates.

### B. Summary of Legislation

**Section 1 (Definitions).** HB 162 would amend Section 2911 (Definitions) by adding a “Noncertified Copy of Original Birth Record” as 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 of the child given at birth. The bill would also delete the definition of “Summary of Original Birth Record.”

**Section 2 (Original Birth Record) -** The bill would amend Section 2937 by deleting the current section and replacing it with the following:

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

(b) Application.--An application under this section 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 a noncertified copy of the adoptee's original birth record to the adoptee.

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

(d) Fee.--The Department of Health may charge a fee for issuing a noncertified copy of an adoptee's 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 Administrative Code of 1929.

**Section 3 (Effective Date)** - This act shall take effect as follows:

(1) Except as set forth in paragraph (2), the amendment of Section 2937 shall take effect in 180 days.

(2) The addition of Section 2937(c) shall take effect immediately.

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

### **C. Summary of Relevant Existing Law**

Pennsylvania adoption law – Title 23 (Domestic Relations Code), Part III (Adoption) – places a number of restrictions on what identifying information can be released about a birth parent or an adoptee. In general, a court or government agency may not release the identity of a party to an adoption, unless that individual has authorized the release of the information.

Chapter 27, Subpart D, permits adoptive parents and birth relatives to enter into voluntary agreements for continuing contact, enforceable until an adopted child reaches 18 years of age.

Chapter 29 governs access to adoption information, and provides a process for individuals to request both non-identifying and identifying information. This chapter also requires DPW to establish a registry for medical and social history information to be voluntarily shared between adoptees and their biological parents or other specific relatives. Again, information that identifies an adoptee or birth parent may not be released without the prior authorization of that individual.

Specifically, Section 2937 (relating to original birth record), which is amended by this legislation, provides that no court or agency shall disclose an adoptee's original birth record, except as follows:

\*Birth parents may place on file with the court and the Department of Health, their consent for the release of their identity to the adoptee (if 18 years or older) or the adoptive parent or legal guardian (if the adoptee is under 18).

\*If only one birth parent has consented to have his/her identity released, only that parent will be named in the summary of the birth record released.

\*The consent of a birth parent may be withdrawn at any time.

### **D. Additional Information**

HB 162 was unanimously passed by the House.