



SPONSOR: Rep. Cooke & Sen. McBride
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Michael Smith, Smyk; Sen. Poore

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 114

AN ACT TO AMEND TITLE 13 AND TITLE 16 OF THE DELAWARE CODE RELATING TO PUBLIC ACCESS TO
VITAL STATISTICS RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 119 of Chapter 1, Title 13 of the Delaware Code by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 § 119. ~~Marriage Record Books and license stubs; p~~Public records; evidence.

4 ~~The Marriage Record Books and s~~Such other marriage forms and records as may be prescribed by the Department
5 of Health and Social Services shall be kept by the issuing officer in the issuing officer's office. They shall be public records
6 open for the inspection of the public after 50 years, in accordance with § 3110 of Title 16, and shall be admitted as evidence
7 of the facts therein contained in any court of record.

8 Section 2. Amend § 209(f) of Chapter 2, Title 13 of the Delaware Code by making deletions as shown by strike
9 through and insertions as shown by underline as follows:

10 (f) The books, forms and records as may be prescribed by the Department of Health and Social Services for civil
11 unions shall be kept by the issuing clerk of the peace in the issuing clerk of the peace's office. They shall be public records
12 open for the inspection of the public after 50 years, in accordance with § 3110 of Title 16, and shall be admitted as evidence
13 of the facts therein contained in any court of record.

14 Section 3. Amend § 3110 of Chapter 31, Title 16 of the Delaware Code by making deletions as shown by strike
15 through and insertions as shown by underline as follows:

16 § 3110 Disclosure of records.

17 (a) To protect the integrity of vital records, to ensure their proper use and to ensure the efficient and proper
18 administration of the system of vital statistics, the records and files of the Office of Vital Statistics shall be considered
19 confidential matter and shall not be open to inspection, except as authorized by this chapter, and regulations adopted
20 hereunder or by order of a court of competent jurisdiction. Regulations adopted under this section shall provide for
21 adequate standards of security and confidentiality of vital records and reports.

(b) The State Registrar shall upon receipt of an application issue a certified copy of a vital record in the Registrar's custody or a part thereof to the registrant's, the registrant's spouse, children, parents or guardian, or their respective authorized representative. The State Registrar shall, upon receipt of an application, issue a noncertified copy of a vital record, including an original birth certificate, to a registrant who is an adoptee 21 years of age or older. Others may be authorized to obtain certified copies when they demonstrate that the record is needed for the determination or protection of their personal or property rights or for genealogical purposes. The Department shall adopt regulations to further define those who may obtain copies of vital records under this chapter.

(c) The Department may authorize by regulation the disclosure of information contained on vital records for research purposes.

(d) Subject to the provisions of this section, the State Registrar may, by agreement, transmit copies of records and other reports required by this chapter to the federal agency responsible for national vital statistics and other offices of vital statistics outside this State when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the copies be used for statistical and/or administrative purposes only and the agreement shall further provide for the retention and disposition of such copies. Copies received by the Office of Vital Statistics from offices of vital statistics in other states shall be handled in the same manner as prescribed in this section.

(e) Appeals from decisions of custodians of vital records, as designated under authority of § 3105 of this title, who refuse to disclose information, or to permit inspection or copying of records as prescribed by this section and regulations adopted hereunder, shall be made to the Department whose decisions shall be binding upon such custodians.

(f) When ~~72~~80 years have elapsed after the date of birth or ~~40~~50 years have elapsed after the date of death or marriage, the records of these events shall become public records and information shall be made available in accordance with regulations which shall provide for the continued safekeeping of the records.

(g) The State Registrar of Vital Statistics shall submit a monthly report of all births to women under 18 years of age to the Division of Child Support Services of the Department of Health and Social Services, and to the Division of Family Services of the Department of Services for Children, Youth and Their Families for informational, investigative and/or child support purposes. The monthly report shall include the name, address, date of birth and Social Security number of the mother and father, if available, the date of birth and sex of the child.

(h) The State Registrar of Vital Statistics shall create a stillbirth certificate which shall be issued upon request to a parent (or authorized representative thereof) who is authorized to receive a certificate of fetal death under subsection (b) of this section.

SYNOPSIS

This Bill raises the time periods for public access to individual vital records from 72 years to 80 years after the date of birth, and from 40 years to 50 years after the date of death or marriage.