

SPONSOR: Rep. Cooke & Sen. McBride
Reps. Brady, Dorsey Walker, Griffith, Jaques, K. Johnson, Lynn, Minor-Brown, Mitchell, Ramone, Michael Smith, Smyk; Sen. Poore

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 114
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

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:

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

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

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

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

§ 209. Record of solemnization; reported by whom; affidavit; evidentiary weight of certificate or affidavit; supplies of civil union licenses, ~~books~~ books, and other forms.

(f) The books, forms and records as may be prescribed by the Department of Health and Social Services for civil 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 open for the inspection of the public after 50 years, in accordance with § 3110 of Title 16, and shall be admitted as evidence of the facts therein contained in any court of record.

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

§ 3110 Disclosure of records.

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LC : HVW : NMX : 5081500088
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(a) To protect the integrity of vital records, to ensure their proper use and to ensure the efficient and proper administration of the system of vital statistics, the records and files of the Office of Vital Statistics shall be considered confidential matter and shall not be open to inspection, except as authorized by this chapter, and regulations adopted hereunder or by order of a court of competent jurisdiction. Regulations adopted under this section shall provide for 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 years have elapsed after the date of ~~birth or~~ birth, 40 years have elapsed after the date of ~~death~~ death, or 50 years have elapsed after the date of 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.

Section 4.

(1) The county clerks of the peace and Office of Vital Statistics shall prepare and submit a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly and the Librarian of the Division of Research of Legislative Council, no later than March 1, 2020, containing an analysis of issues related to, and recommendations regarding, the feasibility and positive and negative effects of increasing the waiting periods contained in § 3110(f) of Title 16 of the Delaware Code for the full disclosure of birth, death, and marriage records.

(2) In preparing the report, the county clerks of the peace and Office of Vital Statistics shall assume that an increase in the waiting periods occurs in conjunction with granting the right to limited disclosure of the records before full disclosure, with the limited disclosure including only certain basic information or the redaction of sensitive information that is part of the record.