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STATE GOVERNMENT COMMITTEE
CHAIRMAN

January 11, 2018

The Honorable Tom Wolf
Office of the Governor
225 Main Capitol
Harrisburg, PA 17120

Dear Governor Wolf:

As the Majority Chairman for the House State Government Committee, I write to bring to your attention a matter of great concern at the Department of Health's, Bureau of Vital Records. It appears that the Bureau of Vital Records, beyond being woefully behind in processing requests for birth and death certificates, has also unilaterally determined to replace "Mother" and "Father" with "Parent" on the birth certificate form which is issued in the Commonwealth.

This unilateral change, without seeking statutory change from the General Assembly, is in violation of the law.

This first came to my attention in September 2017. The initial response I received from the Department of Health stated that the changes were made as a result of a negotiated settlement with the American Civil Liberties Union (ACLU). I requested documentation about the same.

After I made the follow-up request, the Bureau of Vital Records then stated there was no lawsuit, but rather simply that they anticipated a lawsuit and initiated this change on their own accord. After discussing this issue with the appropriate staff, the request was made, on my behalf, that documentation be provided to demonstrate that the necessary notice and publication requirements were met, as well as providing the authority under which the Bureau of Vital Records made this change without action by the General Assembly.

In the more than three months since that request, I have not received any documentation from the Department of Health generally or the Bureau of Vital Records specifically on where the authority exists for the bureau to make this change. Moreover, in the September meeting, my understanding is that the counsel to the Bureau of Vital Records stated that the changes had a significant fiscal impact on the bureau and a change back to the standard form which lists "mother" and "father" on the birth certificate would cost the department millions of dollars.

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For a department which seeks additional funds from the General Assembly every year, it is quite troubling that instead of spending the money to clear the now six-month backlog which exists on vital records requests, they instead used the funds to make a fundamental change to the birth certificate produced by the Commonwealth, not once, but twice in the last calendar year.

My colleagues, listed below, and I respectfully request that you direct the Department of Health to rescind their changes to the form which now stands in violation of the PA Code, Title 28, Chapter 1. Administration of Vital Records.

We look forward to your prompt reply.

Sincerely,

Daryl D. Metcalfe
Chairman
House State Government Committee

DDM:pn

Cc: The Honorable Dr. Rachel Levine, Acting Secretary of Health

List of signatories:

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Matt Baker
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