

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 213

Session of  
1979

INTRODUCED BY SCHWEDER, DiCARLO, KLINGAMAN, POTT AND BERSON,  
FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 7, 1979

AN ACT

1 Amending the act of July 24, 1970 (P.L.620, No.208), entitled  
2 "An act providing for the adoption of minors and adults and  
3 for the termination of certain parent-child relationships;  
4 providing for jurisdiction of courts; providing for recording  
5 of foreign decrees of adoption; and containing provisions for  
6 procedures, decrees and records in all matters relating  
7 thereto," incorporating additional provisions relating to due  
8 process, notice and best interest of the adoptee; further  
9 providing for relinquishment of parental rights and providing  
10 for certain options.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 102, act of July 24, 1970 (P.L.620,  
14 No.208), known as the "Adoption Act," is amended to read:

15 Section 102. Definitions.--As used in this act:

16 "Abandoned child" means the child is found under such  
17 circumstances that the identity or whereabouts of the parent or  
18 parents is unknown and cannot be ascertained by diligent  
19 searching and the parent or parents do not claim the child  
20 within three months after the child is found.

21 [(1)] "Adoptee" means an individual proposed to be adopted.

22 [(2)] "Agency" means any incorporated or unincorporated

1 organization, society, institution, or other entity, public or  
2 voluntary, which may receive or provide for the care of  
3 children, supervised by the Pennsylvania Department of Public  
4 Welfare and providing adoption services in accordance with  
5 standards established by the department.

6 "Child" means a son or daughter whether by birth or adoption  
7 who is under the age of eighteen.

8 [(3)] "Clerk" means the clerk of the division of the court  
9 of common pleas having jurisdiction over voluntary  
10 relinquishment, involuntary termination and adoption  
11 proceedings.

12 [(4)] "Court" means the court of common pleas.

13 "Custody" means the legal status conferred by court order.

14 "Guardian" means an individual appointed by the court for the  
15 purposes of the care and management of a person with the duty  
16 and authority to make decisions permanently affecting his or her  
17 health and development.

18 [(5)] "Intermediary" means any person or persons or agency  
19 acting between the parent or parents and the proposed adoptive  
20 parent or parents in arranging an adoption placement.

21 "Local authorities" means county institution district or its  
22 successor.

23 "Minor" means an unmarried child under the age of eighteen.

24 [(6)] "Parent" [includes adoptive parent] means the natural,  
25 presumptive, or adoptive mother or father of a child.

26 Section 2. The act is amended by adding sections to read:

27 Section 104. Purpose.--The purpose of this act is threefold:

28 (1) To provide judicial means for voluntary or involuntary  
29 termination of parental rights and responsibilities in instances  
30 where children can no longer receive proper care from their

1 parents;

2 (2) To vest court ordered custody of such children in an  
3 agency or with an individual pending adoption; and

4 (3) To establish the procedure to be followed in processing  
5 an adoption.

6 Section 105. Philosophy.--Implicit in this act is the  
7 philosophy that:

8 (1) The State, through the local authorities, should make a  
9 timely offer of service wherever possible in order to strengthen  
10 and preserve family life; and

11 (2) A termination of parental rights and responsibilities is  
12 so important and drastic that it requires judicial  
13 determination. Attempts at severance by contractual  
14 arrangements, expressed or implied, for the surrender or  
15 relinquishment of children shall not be valid.

16 Section 3. Section 202 of the act, amended June 11, 1976  
17 (P.L.161, No.80), is amended to read:

18 Section 202. Venue.--Proceedings for voluntary  
19 relinquishment, involuntary termination and adoption may be  
20 brought in the court of the county where the petitioner, parent  
21 or parents or the adoptee, or the person or persons who have  
22 filed a report of intention to adopt required by section 331  
23 reside, or in the county in which is located an office of an  
24 agency having custody of the child. Proceedings may also be  
25 brought with leave of court in the county in which the adoptee  
26 formerly resided. At the request of any party to a proceeding,  
27 the court may upon good cause shown transfer the case to the  
28 court in the county of residence of the person requesting the  
29 transfer.

30 Section 4. Section 301 of the act is amended to read:

1       Section 301. Relinquishment to Agency.--When any child  
2 [under the age of eighteen years] has been in the constructive  
3 or physical care of an agency for a minimum period of [five]  
4 three days, the parent or parents of the child may petition the  
5 court for permission to relinquish forever all parental rights  
6 and duties with respect to their child. [The written consent of  
7 a parent or guardian of a petitioner shall be required if he has  
8 not reached eighteen years of age.] The agency having the  
9 constructive or physical care of the child shall join in the  
10 petition which shall contain the agency's consent to accept  
11 custody of the child until such time as the child is adopted.  
12 For purposes of determining when such a petition may be filed,  
13 an agency shall have constructive care of a child as soon as it  
14 receives any written notice of present intent to transfer  
15 custody executed by the parent, regardless of whether or not the  
16 agency has the physical care of the child.

17       Section 5. Section 303 of the act is repealed.

18       Section 6. Section 311 of the act is amended to read:

19       Section 311. Grounds for Involuntary Termination.--[The  
20 rights of a parent in regard to a child may be terminated after  
21 a petition filed pursuant to section 312, and a hearing held  
22 pursuant to section 313 on the ground that:

23       (1) The parent by conduct continuing for a period of at  
24 least six months either has evidenced a settled purpose of  
25 relinquishing parental claim to a child, or has refused or  
26 failed to perform parental duties; or

27       (2) The repeated and continued incapacity, abuse, neglect,  
28 or refusal of the parent has caused the child to be without  
29 essential parental care, control, or subsistence necessary for  
30 his physical or mental well-being and the conditions and causes

1 of the incapacity, abuse, neglect, or refusal cannot or will not  
2 be remedied by the parent; or

3 (3) The parent is the presumptive but not the natural father  
4 of the child.]

5 (a) The rights of a parent in regard to a child may be  
6 terminated after a petition filed pursuant to section 312 and a  
7 hearing held pursuant to section 341 on the ground that:

8 (1) the child has been abandoned as defined in section 102;  
9 or

10 (2) the child has been removed from the physical care of the  
11 parent by the court or by a voluntary agreement with an agency  
12 or individual for a period of six months and the court finds  
13 that:

14 (i) the conditions which led to the removal or placement of  
15 the child continue to exist; and

16 (ii) there is clear and convincing evidence that the parent  
17 cannot remedy those conditions in a reasonable period of time so  
18 that the child can be returned to the physical care of the  
19 parent; or

20 (iii) the parent has evidenced a settled purpose of  
21 relinquishing his or her claim to a child or has refused to  
22 provide for the physical, mental and emotional development and  
23 needs of the child.

24 (3) The parent, by conduct occurring during a period of at  
25 least twelve months, has demonstrated an intent to relinquish  
26 parental claim to the child by:

27 (i) without good cause failing to support or maintain said  
28 child; or

29 (ii) without good cause failing to visit or inquire about  
30 the welfare or such child.

1 (b) Whenever parental rights and duties are being terminated  
2 pursuant to subsection (a)(2), the court shall consider, but is  
3 not limited, to the following:

4 (1) what services have been provided or offered to remedy  
5 the conditions which led to the removal or placement of the  
6 child;

7 (2) what specific criticisms the parent has of the services  
8 offered or provided;

9 (3) if the parent was dissatisfied with the services offered  
10 or provided, the attempt by the provider of such services to  
11 resolve such dissatisfaction and provide the parent with  
12 appropriate services;

13 (4) what effort the parent has made to adjust his  
14 circumstances, conduct or conditions to make it in the child's  
15 best interest to return him to his home in a reasonable period  
16 of time, including:

17 (i) the extent to which the parent has maintained regular  
18 visitation or other contact with the child as part of a plan to  
19 reunite the child with the parent; and

20 (ii) the maintenance of regular contact or communication  
21 with the custodian of the child;

22 (5) whether additional services would effect a lasting  
23 parental adjustment enabling a return of the child to the parent  
24 within a reasonable period of time; and

25 (6) whether the parent failed to appear at the scheduled  
26 hearing for which the parent has been given notice pursuant to  
27 section 341, to express interest in accepting custody unless the  
28 court determines that such absence is for good cause.

29 (c) In considering any of the above bases for terminating  
30 the rights of a parent, the court shall give primary

1 consideration to the physical, mental and emotional development  
2 and needs of the child.

3 (d) Under no circumstances shall the rights of a parent be  
4 terminated solely on the basis of environmental factors which  
5 are beyond the control of the person responsible for the child's  
6 welfare such as inadequate housing, furnishings, income,  
7 clothing and medical care.

8 Section 7. The act is amended by adding sections to read:

9 Section 311.1. Forfeiture of Parental Rights.--No person  
10 shall have any parental rights involving children who were  
11 conceived as a result of a rape for which he was convicted.

12 Section 311.2. Optional Proceedings.--Any rape victim who  
13 bore a child as a result of said rape shall not be required to  
14 appear at any hearing after she has signed a voluntary consent  
15 pursuant to section 301, provided that she signs a waiver before  
16 a judge of a court of common pleas in private regarding the  
17 voluntary relinquishment.

18 Section 8. Section 312 of the act is amended to read:

19 Section 312. Petition for Involuntary Termination.--(a) A  
20 petition to terminate parental rights with respect to a child  
21 [under the age of eighteen years] may be filed by (i) either  
22 parent when termination is sought with respect to the other  
23 parent, (ii) an agency, or (iii) the individual having custody  
24 or standing in loco parentis to the child and who has filed a  
25 report of intention to adopt required by section 331. [When the  
26 petition is filed by a parent who is under the age of eighteen  
27 it shall be joined in by at least one of the parents of such  
28 petitioning parent, unless the court is satisfied that such  
29 joinder would not be in the best interest of the petitioning  
30 parent and would serve no useful purpose. A petition filed under

1 this section shall contain an averment that the petitioner will  
2 assume custody of the child until such time as the child is  
3 adopted.] Parents or the agency otherwise qualified to file a  
4 petition under subsections (a)(i) and (a)(ii) shall be able to  
5 file such a petition whether or not an adoption is presently  
6 contemplated and whether or not a person with a present  
7 intention to adopt the child exists. No court shall require  
8 anyone filing a petition under this section to simultaneously or  
9 in conjunction therewith file a petition under section 401.

10 (b) A petition filed under this section shall set forth  
11 clearly and specifically those grounds and facts alleged as the  
12 basis for terminating parental rights and shall specifically  
13 identify the applicable sections of the act under which  
14 termination is sought. Such a petition shall also contain an  
15 averment that the petitioner will assume custody of the child  
16 until such time as the child is adopted.

17 (c) A petition requesting a court to terminate parental  
18 rights for an abandoned child shall be filed within four months  
19 after the child has come within the physical care of the  
20 petitioner. However, the failure to file a petition within the  
21 above time limits shall not preclude the later filing of such a  
22 petition.

23 Section 9. Section 313 of the act is repealed.

24 Section 10. Section 331 of the act is amended to read:

25 Section 331. Report of Intention to Adopt.--Every person now  
26 having or hereafter receiving or retaining [possession,] custody  
27 or [control] physical care of any child, for the purpose or with  
28 the intention of adopting a child [under the age of eighteen  
29 years] shall report to the court in which the petition for  
30 adoption will be filed. The report shall set forth the



1 circumstances surrounding the persons receiving or retaining  
2 [possession,] custody or [control] physical care of the child;  
3 the name, sex, racial background, age, date and place of birth,  
4 and religious affiliation of the child; the name and address of  
5 the intermediary; the fee or expenses paid or to be paid to the  
6 intermediary and the name and address of the person or persons  
7 making the report. When a person receives or retains  
8 [possession,] custody or [control] physical care of a child from  
9 an agency the report shall set forth only the name and address  
10 of the agency, and the circumstances surrounding such person's  
11 receiving or retaining [possession,] custody or [control]  
12 physical care of the child. No report shall be required when the  
13 child is the child, grandchild, stepchild, brother or sister of  
14 the whole or half blood, or niece or nephew by blood or marriage  
15 of the person receiving or retaining [possession,] custody or  
16 [control] physical care.

17 Section 11. Section 332 of the act is amended to read:

18 Section 332. Filing of Report.--The report required by  
19 section 331 shall be filed within thirty days after the date of  
20 receipt of the [possession,] custody or [control] physical care  
21 of the child.

22 Section 12. The introductory paragraph and clauses (4), (7),  
23 (8) and (10) of section 333 of the act are amended to read:

24 Section 333. Report of Intermediary.--[The] Within six  
25 months after filing the report of intention to adopt, the  
26 intermediary who or which arranged the adoption placement of any  
27 child [under the age of eighteen years] shall make a written  
28 report under oath to the court in which the petition for  
29 adoption will be filed, and shall thereupon forthwith notify in  
30 writing the adopting parent or parents of the fact that such

1 report has been filed and the date thereof. The report shall set  
2 forth to the extent known:

3 \* \* \*

4 (4) The name, racial background, age, marital status as of  
5 the time of birth of the child and during one year prior  
6 thereto, and religious affiliation of the parents of the child  
7 [(or of the mother only in the case of an illegitimate child)];

8 \* \* \*

9 (7) A statement that all consents required by section 411  
10 [(3), (4) and (5),] are attached as exhibits [or the basis upon  
11 which such consents are not required];

12 (8) [The fee or expenses] An itemized accounting of moneys  
13 paid or to be paid to or received by the intermediary or to or  
14 by any other person or persons to the knowledge of the  
15 intermediary by reason of the adoption placement;

16 \* \* \*

17 (10) A statement that no provision of any act regulating the  
18 [importation of dependent, delinquent or defective] interstate  
19 placement of children has been violated with respect to the  
20 placement of the child.

21 Section 13. Clauses (2) and (3) of section 334 of the act,  
22 amended October 14, 1977 (P.L.211, No.61), are amended to read:

23 Section 334. Exhibits.--The report of the intermediary shall  
24 have attached to it the following exhibits:

25 \* \* \*

26 (2) All consents to adoption required by section 411 [(3),  
27 (4) and (5)];

28 (3) A certified copy of any decree of termination [made by a  
29 court other than the court in which the petition for adoption  
30 will be filed] of parental rights or parental rights and duties.

1 Section 14. Section 335 of the act is amended to read:

2 Section 335. Investigation.--[When a report required by  
3 section 331 has been filed, the court shall cause an  
4 investigation to be made by one of the following: a local public  
5 child care agency, with its consent, a voluntary child care  
6 agency, or an appropriate person designated by the court. In  
7 lieu of such investigation, the court may accept an  
8 investigation made by the agency which placed the child, and the  
9 report of investigation in such cases may be incorporated into  
10 the report of the intermediary required by section 333. The  
11 investigation shall cover all pertinent information regarding  
12 the suitability of the placement, including the age, sex,  
13 health, antecedents and eligibility for adoption of the child,  
14 and the age, health, social and economic status of the adopting  
15 parents. The court may establish procedure for the payment of  
16 investigation costs.]

17 (a) When a report required by section 331 has been filed,  
18 the court shall cause an investigation to be made and a report  
19 summarizing that investigation to be written and filed with the  
20 court by a local public child care agency, a voluntary child  
21 care agency with its consent, or an appropriate person  
22 designated by the court. In lieu of such investigation; the  
23 court may accept an investigation made by the agency which  
24 placed the child, and the report of investigation in such cases  
25 may be incorporated into the report of the intermediary required  
26 by section 333. The investigation shall cover all pertinent  
27 information regarding the child's eligibility for adoption and  
28 the suitability of the placement, including, but not limited to:  
29 the physical, mental and emotional development and needs of the  
30 child, and the child's and adopting parents' age, sex, health,

1 social and economic status, and racial, ethnic, religious and  
2 genealogical history.

3 (b) None of the factors listed in subsection (a) shall be  
4 absolutely determinative of whether or not the court should  
5 approve the proposed adoption. The factors listed in subsection  
6 (a) shall be for informational purposes only and the court shall  
7 be guided by the overall physical, mental and emotional  
8 development and needs of the child.

9 (c) Any report required to be filed with the court by  
10 section 331 or this section shall be presented to the court  
11 only, except that any such report shall be available for copying  
12 by all parties to an adoption proceeding upon their request but  
13 only after all identifying names and addresses in the report  
14 have been extirpated.

15 Section 15. The act is amended by adding a section to read:

16 Section 336. Notice to the Intermediary.--If the report of  
17 the intermediary has not been filed pursuant to section 333  
18 within the six month limit, the court shall issue a rule to show  
19 cause on the intermediary why the statutory time limit has not  
20 been observed.

21 Section 16. Article III of the act is amended by adding a  
22 subdivision to read:

23 ARTICLE III

24 PROCEEDINGS PRIOR TO PETITION TO ADOPT

25 \* \* \*

26 E. Hearings

27 Section 341. Hearings.--(a) This section shall apply to all  
28 hearings on a petition to relinquish or terminate parental  
29 rights and duties.

30 (b) Notice of the hearing on the petition to relinquish or

terminate parental rights and duties shall be given to the  
following persons:

- (1) the parents regardless of marital status;
- (2) the child's counsel;
- (3) the petitioner;
- (4) the guardian of the child, if any there be;
- (5) the person having custody of the child; and
- (6) the parents or guardian of a minor parent.

(c) Within ten days after the filing of a petition, the  
court shall:

- (1) appoint counsel for the child; and
- (2) set a time and place for a hearing, which hearing shall  
be not less than forty nor more than sixty days after the filing  
of the petition unless all the parties to the proceeding agree  
to a shorter time.

(d) The notice of a hearing and a copy of the petition,  
certified by the petitioner, his agent, or attorney, shall be  
personally served or served by certified mail, postage prepaid,  
return receipt requested, on the persons named in subsection  
(b). The notice shall appear on a cover page and shall state  
both in English and Spanish the following:

TO: (Name)

A petition has been filed asking the court to put an end to all  
rights you have to your child, (insert name of child). The  
court has set a hearing to consider ending your rights to your  
child. That hearing will be held in (insert place giving  
reference to exact room and building number or designation) on  
(insert date) at (insert time). If you do not appear at this  
hearing, the court may decide that you are not interested in  
retaining your rights to your child and your failure to appear

1 may affect the court's decision on whether to end your rights  
2 to your child. You are warned that even if you fail to appear  
3 at the scheduled hearing, the hearing will go on without you  
4 and your rights to your child may be ended by the court without  
5 your being present.

6 YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER.  
7 YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO  
8 NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE  
9 OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

10 \_\_\_\_\_

11 (Name)

12 \_\_\_\_\_

13 (Address)

14 \_\_\_\_\_

15 (Telephone Number)

16 (e) Each court shall by local rule designate the officer,  
17 organization, agency or person to be named in the notice from  
18 whom legal help can be obtained.

19 (f) When a petition terminating parental rights is filed  
20 without identifying the father of the child, the court shall  
21 make inquiry to the Bureau of Vital Statistics, Department of  
22 Health, to determine if any claim of paternity has been recorded  
23 for the child, pursuant to section 342.

24 (g) If for any reason notice cannot be served on any person  
25 in accordance with subsection (d), the Pennsylvania Rules of  
26 Civil Procedure shall govern any further action relating to  
27 notice.

28 (h) Right to Counsel: all parties, including the child,  
29 shall have a right to counsel.

30 (1) The court upon request or on its own motion shall

1 appoint counsel to represent the child. The child's right to  
2 separate and independent counsel is absolute and cannot be  
3 waived. If the child's parents have adequate financial means,  
4 the court shall award costs to include attorney fees against the  
5 parents. If the parents are without adequate financial means,  
6 the child shall be entitled to and receive free legal  
7 representation.

8 (2) If a party other than the child appears at any hearing  
9 without counsel, the court shall advise him of his right to  
10 counsel, and if such party is indigent, the court shall appoint  
11 counsel to represent that party unless that party expressly  
12 waives his right to counsel.

13 (3) Whenever feasible, the attorney appointed by the court  
14 shall be the same attorney for all hearings and proceedings  
15 relating to the same child.

16 (4) All parties to the hearings or proceedings shall have  
17 all discovery rights provided by the Pennsylvania Rules of Civil  
18 Procedure, including without limitation the right to inspect and  
19 copy all relevant school, medical and agency documents, records  
20 and reports. No person shall disclose any information obtained  
21 by the discovery process.

22 (i) The hearing shall be private and shall be attended only  
23 by persons listed in subsection (b), witnesses but only while  
24 they are testifying, and attorneys representing the parties to  
25 the proceedings.

26 (j) No person shall disclose any information obtained or  
27 disclosed at the hearing.

28 (k) In any proceeding considering the involuntary  
29 termination of parental rights:

30 (1) The child shall not be present at the hearing unless the

1 court at its discretion determines that it should interview the  
2 child in chambers in the presence of counsel to all parties.

3 (2) If notice of the hearing has been given in accordance  
4 with this act to the parent whose rights may be terminated and  
5 such parent does not appear at the hearing personally or through  
6 counsel, the court shall proceed with the hearing and may  
7 terminate the absent parent's rights upon a proper showing under  
8 this act.

9 (3) Any order which is entered by the court as a result of a  
10 hearing under this act shall be served (or attempted to be  
11 served) on all parties to the proceeding or their counsel of  
12 record, including an absent parent if any, within five days from  
13 entry of that order in accordance with subsections (d) and (g).

14 (4) An absent parent whose rights have been involuntarily  
15 terminated pursuant to this act, may within thirty days after  
16 entry of the court's order terminating his rights and upon good  
17 cause shown petition the court to set aside its termination  
18 order and reconsider the question of whether that parent's  
19 rights should be involuntarily terminated. The thirty day period  
20 for filing such a petition may be extended by the court upon a  
21 showing by the absent parent of extenuating circumstances which  
22 prevented the filing of the petition within thirty days from  
23 entry of the court's termination order.

24 (5) If a petition is timely filed pursuant to this section,  
25 the court, upon good cause shown by the absent parent for not  
26 attending the involuntary termination hearing, shall set aside  
27 its order terminating that absent parent's parental rights and  
28 determine after conducting a subsequent hearing whether it  
29 should reinstate that previous order. Reasonable notice of such  
30 a subsequent hearing shall be given to accordance with



1 subsections (d) and (g) to all parties to the initial proceeding  
2 and to all other persons who as a result of any placement of the  
3 child have become interested in the child's well-being  
4 subsequent to the initial proceeding, such other persons having  
5 the standing of parties in the subsequent proceeding. At such  
6 subsequent hearing, a party thereto may not only argue that the  
7 court should reinstate its previous termination order but may  
8 also attack the court's prior finding that good cause or  
9 extenuating circumstances, or both, shown by the absent parent  
10 allowing the court to set aside and reconsider its termination  
11 order. If such an attack is made, the burden of proof on good  
12 cause or extenuating circumstances shall remain with the absent  
13 parent, and upon deciding the issue or issues relating to good  
14 cause or extenuating circumstances the court shall make specific  
15 findings of fact in writing relating thereto.

16 Section 342. Registration of a Claim of Paternity.--At any  
17 time prior to or within ten days after the birth of a child born  
18 to an unmarried woman, the father of such child may file a claim  
19 of paternity with respect to the child. Such claim shall be made  
20 on a form prescribed jointly by the Departments of Public  
21 Welfare and Health and shall be filed with the local registrar  
22 appointed by the Secretary of the Department of Health. Upon  
23 receipt of such form registering a claim of paternity, the local  
24 registrar shall send the form to the Bureau of Vital Statistics.  
25 Such form shall be kept on file in the Bureau of Vital  
26 Statistics and shall be released only upon order of court.

27 Section 17. Clause (7) of section 401 of the act is amended  
28 to read:

29 Section 401. Contents of Petition.--A petition for adoption  
30 shall set forth:

1       \* \* \*

2       (7) That all consents required by section 411 [(1) and (2)]  
3 are attached as exhibits, or the basis upon which such consents  
4 are not required;

5       \* \* \*

6       Section 18. Section 402 of the act is amended to read:

7       Section 402. Exhibits.--The petition shall have attached to  
8 it the following exhibits:

9       (1) The consent or consents required by section 411 [(1) and  
10 (2)] or the basis upon which such consents are not required;

11       (2) If not already filed with a report of an intermediary,  
12 the exhibits enumerated in section 334;

13       (3) The termination decrees of parental rights or parental  
14 rights and duties, for both parents.

15       Section 19. Section 411 of the act is amended to read:

16       Section 411. Consents Necessary to Adoption.--Except as  
17 otherwise provided in this act, consent to an adoption shall be  
18 required of the following:

19       (1) The adoptee, if over [twelve] ten years of age;

20       (2) The adopting parent's spouse, unless they join in the  
21 adoption petition;

22       [(3) The parents or surviving parent of an adoptee who shall  
23 not have reached the age of eighteen years. If any such parent  
24 or surviving parent shall be a minor, but shall have reached the  
25 age of eighteen years, his consent shall be sufficient without  
26 the consent of his parent or guardian, and such consent shall  
27 have the same force and validity as though he were an adult. In  
28 the case of an illegitimate child, the consent of the mother  
29 only shall be necessary. The consent of the natural father of a  
30 child who was illegitimate at birth shall be required only if

1 the relationship between mother and child was terminated by a  
2 decree entered after the marriage of the mother and the natural  
3 father. The consent of the husband of the mother shall not be  
4 necessary if, after notice to the husband, it is proved to the  
5 satisfaction of the court by evidence, including testimony of  
6 the natural mother, that the husband of the natural mother is  
7 not the natural father of the child. Absent such proof, the  
8 consent of a former husband of the natural mother shall be  
9 required if he was the husband of the natural mother at any time  
10 within one year prior to the birth of the adoptee;

11 (4) The agency to which custody of the child has been  
12 awarded under Article III;

13 (5) The guardian of the person of an adoptee under the age  
14 of eighteen years, if any there be, or of the person or persons  
15 having the custody of such adoptee, if any such person can be  
16 found, whenever the adoptee has no parent whose consent is  
17 required.]

18 (3) The guardian of a mentally incapacitated adoptee,  
19 without regard to age;

20 (4) The guardian of an adoptee under the age of ten years,  
21 if any there be.

22 Section 20. Sections 412, 413 and 414 of the act are  
23 repealed.

24 Section 21. Subdivision C of Article IV of the act is  
25 reenacted and amended to read:

26 ARTICLE IV

27 PETITION FOR ADOPTION; CONSENTS

28 \* \* \*

29 C. Adoption Hearings

30 Section 421. Notice.--The court shall fix a time and place

1 for hearing. Notice thereof shall be given to [all persons whose  
2 required consent has not been obtained and to such other persons  
3 as the court shall direct. Notice to the parent or parents of  
4 the adoptee, if required, may be given by the intermediary or  
5 someone acting on his behalf.] the following:

6 (1) The adopting parents.

7 (2) Those persons whose consents are required pursuant to  
8 section 411.

9 (3) Any agency to which custody of the child has been  
10 awarded.

11 (4) Any guardian of the person of an adoptee or of the  
12 person or persons having custody of such adoptee, if any such  
13 person there be.

14 Notice shall be by personal service or by registered or  
15 certified mail, return receipt requested, to the last known  
16 address of the person to be notified or in such other manner as  
17 the court shall direct. If for any reason notice cannot be  
18 effected in accordance with this section, the Pennsylvania Rules  
19 of Civil Procedure shall govern any further action relating to  
20 notice.

21 Section 422. Place of Hearing.--The hearing shall be private  
22 or in open court as the court deems appropriate.

23 Section 423. Attendance at Hearing.--The adopting parent or  
24 parents and the adoptee must appear at and, if required, testify  
25 at the hearing under oath unless the court determines their  
26 presence is unnecessary; in addition the court may require the  
27 appearance and testimony of all persons [or agencies] whose  
28 consent is required by this act or who have acted as an  
29 intermediary if such appearance or testimony would be necessary  
30 or helpful to it.

1       Section 424. Testimony; Investigation.--(a) The court shall  
2 hear testimony in support of the petition and such additional  
3 testimony as it deems necessary to inform it as to the  
4 desirability of the proposed adoption. It shall require a  
5 disclosure of all [costs and fees of any type] moneys paid or to  
6 be paid to any person or institution in connection with the  
7 adoption. [including the fees of any intermediary. It] The  
8 judge shall assure, through personal conference with the adoptee  
9 in chambers, that consent of the adoptee as provided in section  
10 411 was informed and freely given. When age appropriate the  
11 judge shall confer in chambers with an adoptee under the age of  
12 ten years as to whether such adoptee has any objection to the  
13 adoption. The judge shall make his findings a part of the  
14 official case record. official case record.

15       (b) The court also shall make or cause to be made an  
16 investigation by a person or public agency or, with its consent,  
17 a voluntary agency, specifically designated by the court to  
18 verify the statements of the petition and such other facts that  
19 will give the court full knowledge of the desirability of the  
20 proposed adoption. It may rely in whole or in part upon a report  
21 earlier made under section 335 of this act. [The court may  
22 establish a procedure for the payment of investigation costs by  
23 the petitioners or by such other persons as the court may  
24 direct.]

25       Section 425. Religious Belief.--Whenever possible, the  
26 adopting parents shall be of the same religious faith as the  
27 natural parents of the adoptee. No person shall be denied the  
28 benefits of this act because of a religious belief in the use of  
29 spiritual means or prayer for healing.

30       Section 22. Section 507 of the act is repealed.

1       Section 23. Section 509 of the act is amended to read:

2       Section 509. Foreign Decree.--When a decree of adoption of a  
3 minor is made or entered in conformity with the laws of another  
4 state or a foreign country whereby a child is adopted by a  
5 resident of this Commonwealth, a copy of the final decree,  
6 properly authenticated, may be filed with the clerk in the  
7 county of residence of the adopting parents. The decree and such  
8 other documents as may be filed therewith shall be kept in the  
9 files of the court as a permanent record thereof, and shall be  
10 withheld from inspection except on order of court granted upon  
11 cause shown. Upon the filing of a foreign decree of adoption,  
12 the clerk shall enter upon the docket an entry showing the  
13 foreign court, identification of the proceedings therein and the  
14 date of the decree, [After the decree has been filed, the clerk  
15 shall make a report thereof to the Department of Public Welfare  
16 on a form supplied by the department, which the department shall  
17 keep in confidential files.] and shall issue a certificate of  
18 adoption in conformity with the provisions of section 508.

19       Information identifying the natural parents shall not be  
20 required.

21       Section 24. This act shall take effect in 60 days.