

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 213

Session of
1979

INTRODUCED BY MR. SCHWEDER, MRS. E. Z. TAYLOR, MESSRS. DiCARLO,
KLINGAMAN, POTT AND BERSON, FEBRUARY 6, 1979

AS RE-REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 28, 1980

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 AMENDING TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA <—
12 CONSOLIDATED STATUTES, ADDING PROVISIONS RELATING TO THE
13 TERMINATION OF PARENT-CHILD RELATIONSHIPS AND ADOPTIONS;
14 REVISING CERTAIN PROVISIONS OF THE LAW RELATING THERETO; AND
15 MAKING REPEALS.

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43 The General Assembly of the Commonwealth of Pennsylvania
44 hereby enacts as follows:

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

47 ~~Section 102. Definitions. As used in this act:~~

48 ~~"Abandoned child" means the child is found under such~~
49 ~~circumstances that the identity or whereabouts of the parent or~~
50 ~~parents is unknown and cannot be ascertained by diligent~~

1 ~~searching and the parent or parents do not claim the child~~
2 ~~within three months after the child is found.~~

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

4 ~~[(2)] "Agency" means any incorporated or unincorporated~~
5 ~~organization, society, institution, or other entity, public or~~
6 ~~voluntary, which may receive or provide for the care of~~
7 ~~children, supervised by the Pennsylvania Department of Public~~
8 ~~Welfare and providing adoption services in accordance with~~
9 ~~standards established by the department.~~

10 ~~"Child" means a son or daughter whether by birth or adoption~~
11 ~~who is under the age of eighteen.~~

12 ~~[(3)] "Clerk" means the clerk of the division of the court~~
13 ~~of common pleas having jurisdiction over voluntary~~
14 ~~relinquishment, involuntary termination and adoption~~
15 ~~proceedings.~~

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

<—

17 ~~"Court" means the family court division of the court of~~
18 ~~common pleas in a county where such a division exists; in all~~
19 ~~other counties "court" means the court of common pleas.~~

20 ~~"Custody" means the legal status conferred by court order.~~

21 ~~"Guardian" means an individual appointed by the court for the~~
22 ~~purposes of the care and management of a person with the duty~~
23 ~~and authority to make decisions permanently affecting his or her~~
24 ~~health and development.~~

25 ~~[(5)] "Intermediary" means any person or persons or agency~~
26 ~~acting between the parent or parents and the proposed adoptive~~
27 ~~parent or parents in arranging an adoption placement.~~

28 ~~"Local authorities" means county institution district or its~~
29 ~~successor.~~

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

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

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

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

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

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

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

~~Section 105. Philosophy. Implicit in this act is the philosophy that:~~

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

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

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

~~Section 202. Venue. Proceedings for voluntary relinquishment, involuntary termination and adoption may be brought in the court of the county where the petitioner, parent or parents or the adoptee, or the person or persons who have filed a report of intention to adopt required by section 331 reside, or in the county in which is located an office of an~~

1 ~~agency having custody of the child. Proceedings may also be~~
2 ~~brought with leave of court in the county in which the adoptee~~
3 ~~formerly resided. At the request of any party to a proceeding,~~
4 ~~the court may upon good cause shown transfer the case to the~~
5 ~~court in the county of residence of the person requesting the~~
6 ~~transfer.~~

7 ~~Section 4. Sections 301 and 302, of the act are amended to~~
8 ~~read:~~

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

25 ~~Section 302. Relinquishment to Adult Intending to Adopt~~
26 ~~Child. When any child under the age of eighteen years has been~~
27 ~~for a minimum period of thirty days in the exclusive care of an~~
28 ~~adult or adults who have filed a report of intention to adopt~~
29 ~~required by section 331, the parent or parents of the child may~~
30 ~~petition the court for permission to relinquish forever all~~

~~parental rights to their child. [The written consent of a parent or guardian of a petitioner shall be required if he has not reached eighteen years of age.] The adult or adults having care of the child shall file a separate consent to accept custody of the child.~~

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

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

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

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

~~(2) The repeated and continued incapacity, abuse, neglect, or refusal of the parent has caused the child to be without essential parental care, control, or subsistence necessary for his physical or mental well being and the conditions and causes of the incapacity, abuse, neglect, or refusal cannot or will not be remedied by the parent; or~~

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

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

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

~~(2) the child has been removed from the physical care of the parent by the court or by a voluntary agreement with an agency~~

~~or individual for a period of six months and the court finds that:~~

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

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

~~(iii) the parent has evidenced a settled purpose of relinquishing his or her claim to a child or has refused or failed to provide for the physical, mental and emotional development and needs of the child; or~~

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

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

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

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

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

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

~~(3) if the parent was dissatisfied with the services offered or provided, the attempt by the provider of such services to resolve such dissatisfaction and provide the parent with~~

~~appropriate services;~~

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

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

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

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

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

~~(c) In considering any of the above bases for terminating
the rights of a parent, the court shall give primary
consideration to the physical, mental and emotional development
and needs of the child.~~

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

~~Section 7. The act is amended by adding a section to read:~~

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

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

2 ~~Section 312. Petition for Involuntary Termination. (a) A~~
3 ~~petition to terminate parental rights with respect to a child~~
4 ~~{under the age of eighteen years} may be filed by (i) either~~
5 ~~parent when termination is sought with respect to the other~~
6 ~~parent, (ii) an agency, or (iii) the individual having custody~~
7 ~~or standing in loco parentis to the child and who has filed a~~
8 ~~report of intention to adopt required by section 331. [When the~~
9 ~~petition is filed by a parent who is under the age of eighteen~~
10 ~~it shall be joined in by at least one of the parents of such~~
11 ~~petitioning parent, unless the court is satisfied that such~~
12 ~~joinder would not be in the best interest of the petitioning~~
13 ~~parent and would serve no useful purpose. A petition filed under~~
14 ~~this section shall contain an averment that the petitioner will~~
15 ~~assume custody of the child until such time as the child is~~
16 ~~adopted.]~~

17 ~~(b) A petition filed under this section shall set forth~~
18 ~~clearly and specifically those grounds and facts alleged as the~~
19 ~~basis for terminating parental rights and shall specifically~~
20 ~~identify the applicable sections of the act under which~~
21 ~~termination is sought. Such a petition shall also contain an~~
22 ~~averment that the petitioner will assume custody of the child~~
23 ~~until such time as the child is adopted.~~

24 ~~Section 9. Section 313 of the act is repealed.~~

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

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

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

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

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

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

26 Section 333. Report of Intermediary. ~~[The]~~ Within six
27 months after filing the report of intention to adopt, the
28 intermediary who or which arranged the adoption placement of any
29 child ~~[under the age of eighteen years]~~ shall make a written
30 report under oath to the court in which the petition for

~~adoption will be filed, and shall thereupon forthwith notify in writing the adopting parent or parents of the fact that such report has been filed and the date thereof. The report shall set forth to the extent known:~~

~~* * *~~

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

~~* * *~~

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

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

~~* * *~~

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

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

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

~~* * *~~

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

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

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

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

20 ~~(a) When a report required by section 331 has been filed,~~
21 ~~the court shall cause an investigation to be made and a report~~
22 ~~summarizing that investigation to be written and filed with the~~
23 ~~court by a local public child care agency, a voluntary child~~
24 ~~care agency with its consent, or an appropriate person~~
25 ~~designated by the court. In lieu of such investigation, the~~
26 ~~court may accept an investigation made by the agency which~~
27 ~~placed the child, and the report of investigation in such cases~~
28 ~~may be incorporated into the report of the intermediary required~~
29 ~~by section 333. The investigation shall cover all pertinent~~
30 ~~information regarding the child's eligibility for adoption and~~

~~the suitability of the placement, including, but not limited to:
the physical, mental and emotional development and needs of the
child, and the child's and adopting parents' age, sex, health,
social and economic status, and racial, ethnic and religious
background.~~

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

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

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

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

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

~~ARTICLE III~~

~~PROCEEDINGS PRIOR TO PETITION TO ADOPT~~

~~* * *~~

~~E. Hearings~~

~~Section 341. Hearings. (a) This section shall apply to all~~

~~hearings on a petition to relinquish or terminate parental rights and duties.~~

~~(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 or agency 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 ten 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 in English and in the native language of the parent or parents, if different than English, 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
may affect the court's decision on whether to end your rights
to your child. You are warned that even if you fail to appear
at the scheduled hearing, the hearing will go on without you
and your rights to your child may be ended by the court without
your being present.~~

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

~~(Name)~~

~~(Address)~~

~~(Telephone Number)~~

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

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

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

1 ~~notice.~~

2 ~~(h) Right to Counsel: all parties, including the child,~~
3 ~~shall have a right to counsel.~~

4 ~~(1) The court upon request or on its own motion shall~~
5 ~~appoint counsel to represent the child. The child's right to~~
6 ~~separate and independent counsel is absolute and cannot be~~
7 ~~waived. If the child's parents have adequate financial means,~~
8 ~~the court shall award costs to include attorney fees against the~~
9 ~~parents. If the parents are without adequate financial means,~~
10 ~~the child shall be entitled to and receive free legal~~
11 ~~representation.~~

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

17 ~~(3) Whenever feasible, the attorney appointed by the court~~
18 ~~shall be the same attorney for all hearings and proceedings~~
19 ~~relating to the same child.~~

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

26 ~~(i) The hearing shall be private and shall be attended only~~
27 ~~by persons listed in subsection (b), witnesses but only while~~
28 ~~they are testifying, and attorneys representing the parties to~~
29 ~~the proceedings.~~

30 ~~(j) No person shall disclose any information obtained or~~

~~disclosed at the hearing.~~

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

~~(1) The child shall not be present at the hearing unless the court at its discretion determines that it should interview the child in chambers in the presence of counsel to all parties.~~

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

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

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

~~(5) If a petition is timely filed pursuant to this section, the court, upon good cause shown by the absent parent for not attending the involuntary termination hearing, shall set aside~~

~~its order terminating that absent parent's parental rights and determine after conducting a subsequent hearing whether it should reinstate that previous order. Reasonable notice of such a subsequent hearing shall be given in accordance with subsections (d) and (g) to all parties to the initial proceeding and to all other persons who as a result of any placement of the child have become interested in the child's well being subsequent to the initial proceeding, such other persons having the standing of parties in the subsequent proceeding. At such subsequent hearing, a party thereto may not only argue that the court should reinstate its previous termination order but may also attack the court's prior finding that good cause or extenuating circumstances, or both, shown by the absent parent allowing the court to set aside and reconsider its termination order. If such an attack is made, the burden of proof on good cause or extenuating circumstances shall remain with the absent parent, and upon deciding the issue or issues relating to good cause or extenuating circumstances the court shall make specific findings of fact in writing relating thereto.~~

~~Section 342. Registration of a Claim of Paternity. At any time prior to or within sixty days after the birth of a child born to an unmarried woman, the father of such child may file a claim of paternity with respect to the child. Such claim shall be made on a form prescribed jointly by the Departments of Public Welfare and Health and shall be filed with the Bureau of Vital Statistics. Such form shall be kept on file in the Bureau of Vital Statistics and shall be released only upon order of court.~~

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

~~Section 401. Contents of Petition. A petition for adoption shall set forth:~~

~~* * *~~

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

~~* * *~~

~~Section 18. Section 402 of the act, amended October 14, 1977 (P.L.211, No.61), is amended to read:~~

~~Section 402. Exhibits. The petition shall have attached to it the following exhibits:~~

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

~~(2) If not already filed with a report of an intermediary, the exhibits enumerated in section 334. If no birth certificate or certification of registration of birth can be obtained, the reason therefor shall be so stated, and efforts made to obtain said certificate shall be alleged therein with a request that the court establish a date and place of birth. The court may establish a date and place of birth at the adoption hearing on the basis of the evidence presented.~~

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

~~(4) Any court decrees approving the voluntary relinquishment of parental rights or parental rights and duties.~~

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

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

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

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

~~[(3) The parents or surviving parent of an adoptee who shall not have reached the age of eighteen years. If any such parent or surviving parent shall be a minor, but shall have reached the age of eighteen years, his consent shall be sufficient without the consent of his parent or guardian, and such consent shall have the same force and validity as though he were an adult. In the case of an illegitimate child, the consent of the mother only shall be necessary. The consent of the natural father of a child who was illegitimate at birth shall be required only if the relationship between mother and child was terminated by a decree entered after the marriage of the mother and the natural father. The consent of the husband of the mother shall not be necessary if, after notice to the husband, it is proved to the satisfaction of the court by evidence, including testimony of the natural mother, that the husband of the natural mother is not the natural father of the child. Absent such proof, the consent of a former husband of the natural mother shall be required if he was the husband of the natural mother at any time within one year prior to the birth of the adoptee;~~

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

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

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

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

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

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

~~ARTICLE IV~~

~~PETITION FOR ADOPTION; CONSENTS~~

~~* * *~~

~~C. Adoption Hearings~~

~~Section 421. Notice. The court shall fix a time and place
for hearing. Notice thereof shall be given to [all persons whose
required consent has not been obtained and to such other persons
as the court shall direct. Notice to the parent or parents of
the adoptee, if required, may be given by the intermediary or
someone acting on his behalf.] the following:~~

~~(1) The adopting parents.~~

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

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

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

~~(5) All counsel of record.~~
~~Notice shall be by personal service or by registered or
certified mail, return receipt requested, to the last known
address of the person to be notified or in such other manner as
the court shall direct. If for any reason notice cannot be
effected in accordance with this section, the Pennsylvania Rules~~

1 ~~of Civil Procedure shall govern any further action relating to~~
2 ~~notice.~~

3 ~~Section 422. Place of Hearing. The hearing shall be private~~
4 ~~or in open court as the court deems appropriate.~~

5 ~~Section 423. Attendance at Hearing. The adopting parent or~~
6 ~~parents and the adoptee must appear at and, if required, testify~~
7 ~~at the hearing under oath unless the court determines their~~
8 ~~presence is unnecessary; in addition the court may require the~~
9 ~~appearance and testimony of all persons [or agencies] whose~~
10 ~~consent is required by this act or who have acted as an~~
11 ~~intermediary if such appearance or testimony would be necessary~~
12 ~~or helpful to it.~~

13 ~~Section 424. Testimony; Investigation. (a) The court shall~~
14 ~~hear testimony in support of the petition and such additional~~
15 ~~testimony as it deems necessary to inform it as to the~~
16 ~~desirability of the proposed adoption. It shall require a~~
17 ~~disclosure of all [costs and fees of any type] moneys and~~
18 ~~consideration paid or to be paid to any person or institution in~~
19 ~~connection with the adoption. [including the fees of any~~
20 ~~intermediary. It] The judge shall assure, through personal~~
21 ~~conference with the adoptee in chambers, that consent of the~~
22 ~~adoptee as provided in section 411 was informed and freely given~~
23 ~~and may interview the adoptee in chambers with counsel, if any,~~
24 ~~present concerning any other matter relevant to the adoption.~~
25 ~~When age appropriate the judge shall confer in chambers with an~~
26 ~~adoptee under the age of ten years as to whether such adoptee~~
27 ~~has any objection to the adoption. The judge shall make his~~
28 ~~findings a part of the official case record.~~

29 ~~(b) The court also shall make or cause to be made an~~
30 ~~investigation by a person or public agency or, with its consent,~~

~~a voluntary agency, specifically designated by the court to verify the statements of the petition and such other facts that will give the court full knowledge of the desirability of the proposed adoption. It may rely in whole or in part upon a report earlier made under section 335 of this act. The court may establish a procedure for the payment of investigation costs by the petitioners or by such other persons as the court may direct.~~

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

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

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

~~Section 509. Foreign Decree. When a decree of adoption of a minor is made or entered in conformity with the laws of another state or a foreign country whereby a child is adopted by a resident of this Commonwealth, a copy of the final decree, properly authenticated, may be filed with the clerk in the county of residence of the adopting parents. The decree and such other documents as may be filed therewith shall be kept in the files of the court as a permanent record thereof, and shall be withheld from inspection except on order of court granted upon cause shown. Upon the filing of a foreign decree of adoption, the clerk shall enter upon the docket an entry showing the foreign court, identification of the proceedings therein and the date of the decree, [After the decree has been filed, the clerk shall make a report thereof to the Department of Public Welfare on a form supplied by the department, which the department shall~~

1 ~~keep in confidential files.] and shall issue a certificate of~~
2 ~~adoption in conformity with the provisions of section 508.~~

3 ~~Information identifying the natural parents shall not be~~
4 ~~required.~~

5 ~~Section 24. This act shall take effect in 60 days.~~

6 SECTION 1. TITLE 23, ACT OF NOVEMBER 25, 1970 (P.L.707, <—
7 NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, IS
8 AMENDED BY ADDING PARTS TO READ:

9 TITLE 23

10 DOMESTIC RELATIONS

11 PART

12 III. ADOPTION

13 IX. MISCELLANEOUS PROVISIONS

14 PART III

15 ADOPTION

16 CHAPTER

17 21. PRELIMINARY PROVISIONS

18 23. JURISDICTION AND PARTIES

19 25. PROCEEDINGS PRIOR TO PETITION TO ADOPT

20 27. PETITION FOR ADOPTION

21 29. DECREES AND RECORDS

22 CHAPTER 21

23 PRELIMINARY PROVISIONS

24 SEC.

25 2101. SHORT TITLE OF PART.

26 2102. DEFINITIONS.

27 § 2101. SHORT TITLE OF PART.

28 THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE "ADOPTION
29 ACT."

30 § 2102. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL
2 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
3 MEANINGS GIVEN TO THEM IN THIS SECTION:

4 "ADOPTEE." AN INDIVIDUAL PROPOSED TO BE ADOPTED.

5 "AGENCY." ANY INCORPORATED OR UNINCORPORATED ORGANIZATION,
6 SOCIETY, INSTITUTION OR OTHER ENTITY, PUBLIC OR VOLUNTARY, WHICH
7 MAY RECEIVE OR PROVIDE FOR THE CARE OF CHILDREN, SUPERVISED BY
8 THE DEPARTMENT OF PUBLIC WELFARE AND PROVIDING ADOPTION SERVICES
9 IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE DEPARTMENT.

10 "CLERK." THE CLERK OF THE DIVISION OF THE COURT OF COMMON
11 PLEAS HAVING JURISDICTION OVER VOLUNTARY RELINQUISHMENT,
12 INVOLUNTARY TERMINATION AND ADOPTION PROCEEDINGS.

13 "COURT." THE COURT OF COMMON PLEAS.

14 "INTERMEDIARY." ANY PERSON OR PERSONS OR AGENCY ACTING
15 BETWEEN THE PARENT OR PARENTS AND THE PROPOSED ADOPTIVE PARENT
16 OR PARENTS IN ARRANGING AN ADOPTION PLACEMENT.

17 "PARENT." INCLUDES ADOPTIVE PARENT.

18 CHAPTER 23

19 JURISDICTION AND PARTIES

20 SUBCHAPTER

21 A. JURISDICTION

22 B. PARTIES

23 SUBCHAPTER A

24 JURISDICTION

25 SEC.

26 2301. COURT.

27 2302. VENUE.

28 § 2301. COURT.

29 THE COURT OF COMMON PLEAS OF EACH COUNTY SHALL EXERCISE
30 THROUGH THE APPROPRIATE DIVISION ORIGINAL JURISDICTION OVER

VOLUNTARY RELINQUISHMENT, INVOLUNTARY TERMINATION AND ADOPTION
PROCEEDINGS.

§ 2302. VENUE.

PROCEEDINGS FOR VOLUNTARY RELINQUISHMENT, INVOLUNTARY
TERMINATION AND ADOPTION MAY BE BROUGHT IN THE COURT OF THE
COUNTY:

(1) WHERE THE PARENT OR PARENTS OR THE ADOPTEE OR THE
PERSON OR PERSONS WHO HAVE FILED A REPORT OF INTENTION TO
ADOPT REQUIRED BY SECTION 2531 (RELATING TO REPORT OF
INTENTION TO ADOPT) RESIDE.

(2) IN WHICH IS LOCATED AN OFFICE OF AN AGENCY HAVING
CUSTODY OF THE ADOPTEE OR IN THE COUNTY WHERE THE AGENCY
HAVING PLACED THE ADOPTEE IS LOCATED.

(3) WITH LEAVE OF COURT, IN WHICH THE ADOPTEE FORMERLY
RESIDED.

SUBCHAPTER B

PARTIES

SEC.

2311. WHO MAY BE ADOPTED.

2312. WHO MAY ADOPT.

2313. REPRESENTATION FOR CHILD.

§ 2311. WHO MAY BE ADOPTED.

ANY INDIVIDUAL MAY BE ADOPTED, REGARDLESS OF HIS AGE OR
RESIDENCE.

§ 2312. WHO MAY ADOPT.

ANY INDIVIDUAL MAY BECOME AN ADOPTING PARENT.

§ 2313. REPRESENTATION FOR CHILD.

THE COURT SHALL APPOINT COUNSEL TO REPRESENT THE CHILD IN AN
INVOLUNTARY TERMINATION PROCEEDING AND AT ANYTIME MAY APPOINT
COUNSEL OR A GUARDIAN AD LITEM FOR A CHILD WHO HAS NOT REACHED

1 THE AGE OF 18 YEARS.

2 CHAPTER 25

3 PROCEEDINGS PRIOR TO PETITION TO ADOPT

4 SUBCHAPTER

5 A. VOLUNTARY RELINQUISHMENT

6 B. INVOLUNTARY TERMINATION

7 C. DECREE OF TERMINATION

8 D. REPORTS AND INVESTIGATION

9 SUBCHAPTER A

10 VOLUNTARY RELINQUISHMENT

11 SEC.

12 2501. RELINQUISHMENT TO AGENCY.

13 2502. RELINQUISHMENT TO ADULT INTENDING TO ADOPT CHILD.

14 2503. HEARING.

15 § 2501. RELINQUISHMENT TO AGENCY.

16 (A) PETITION.--WHEN ANY CHILD UNDER THE AGE OF 18 YEARS HAS
17 BEEN IN THE CARE OF AN AGENCY FOR A MINIMUM PERIOD OF THREE DAYS
18 OR, WHETHER OR NOT THE AGENCY HAS THE PHYSICAL CARE OF THE
19 CHILD, THE AGENCY HAS RECEIVED A WRITTEN NOTICE OF THE PRESENT
20 INTENT TO TRANSFER TO IT CUSTODY OF THE CHILD, EXECUTED BY THE
21 PARENT, THE PARENT OR PARENTS OF THE CHILD MAY PETITION THE
22 COURT FOR PERMISSION TO RELINQUISH FOREVER ALL PARENTAL RIGHTS
23 AND DUTIES WITH RESPECT TO THEIR CHILD.

24 (B) CONSENTS.--THE WRITTEN CONSENT OF A PARENT OR GUARDIAN
25 OF A PETITIONER WHO HAS NOT REACHED 18 YEARS OF AGE SHALL NOT BE
26 REQUIRED. THE CONSENT OF THE AGENCY TO ACCEPT CUSTODY OF THE
27 CHILD UNTIL SUCH TIME AS THE CHILD IS ADOPTED SHALL BE REQUIRED.

28 § 2502. RELINQUISHMENT TO ADULT INTENDING TO ADOPT CHILD.

29 (A) PETITION.--WHEN ANY CHILD UNDER THE AGE OF 18 YEARS HAS
30 BEEN FOR A MINIMUM PERIOD OF 30 DAYS IN THE EXCLUSIVE CARE OF AN

1 ADULT OR ADULTS WHO HAVE FILED A REPORT OF INTENTION TO ADOPT
2 REQUIRED BY SECTION 2531 (RELATING TO REPORT OF INTENTION TO
3 ADOPT), THE PARENT OR PARENTS OF THE CHILD MAY PETITION THE
4 COURT FOR PERMISSION TO RELINQUISH FOREVER ALL PARENTAL RIGHTS
5 TO THEIR CHILD.

6 (B) CONSENTS.--THE WRITTEN CONSENT OF A PARENT OR GUARDIAN
7 OF A PETITIONER WHO HAS NOT REACHED 18 YEARS OF AGE SHALL NOT BE
8 REQUIRED. THE ADULT OR ADULTS HAVING CARE OF THE CHILD SHALL
9 FILE A SEPARATE CONSENT TO ACCEPT CUSTODY OF THE CHILD.

10 § 2503. HEARING.

11 (A) GENERAL RULE.--UPON PRESENTATION OF A PETITION PREPARED
12 PURSUANT TO SECTION 2501 (RELATING TO RELINQUISHMENT TO AGENCY)
13 OR SECTION 2502 (RELATING TO RELINQUISHMENT TO ADULT INTENDING
14 TO ADOPT CHILD), THE COURT SHALL FIX A TIME FOR HEARING WHICH
15 SHALL NOT BE LESS THAN TEN DAYS AFTER FILING OF THE PETITION.
16 THE PETITIONER MUST APPEAR AT THE HEARING.

17 (B) NOTICE.--NOTICE TO THE PETITIONER SHALL BE IN THE FORM
18 PROVIDED IN SECTION 2513(B) (RELATING TO HEARING). NOTICE OF THE
19 HEARING SHALL BE GIVEN TO THE OTHER PARENT AND TO THE PARENTS OR
20 GUARDIAN OF A PETITIONER WHO HAS NOT REACHED 18 YEARS OF AGE.

21 (C) DECREE.--AFTER HEARING, WHICH SHALL BE PRIVATE, THE
22 COURT MAY ENTER A DECREE OF TERMINATION OF PARENTAL RIGHTS IN
23 THE CASE OF THEIR RELINQUISHMENT TO AN ADULT OR A DECREE OF
24 TERMINATION OF PARENTAL RIGHTS AND DUTIES, INCLUDING THE
25 OBLIGATION OF SUPPORT, IN THE CASE OF THEIR RELINQUISHMENT TO AN
26 AGENCY.

27 SUBCHAPTER B

28 INVOLUNTARY TERMINATION

29 SEC.

30 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

1 2512. PETITION FOR INVOLUNTARY TERMINATION.

2 2513. HEARING.

3 § 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

4 (A) GENERAL RULE.--THE RIGHTS OF A PARENT IN REGARD TO A
5 CHILD MAY BE TERMINATED AFTER A PETITION FILED ON ANY OF THE
6 FOLLOWING GROUNDS:

7 (1) THE PARENT BY CONDUCT CONTINUING FOR A PERIOD OF AT
8 LEAST SIX MONTHS EITHER HAS EVIDENCED A SETTLED PURPOSE OF
9 RELINQUISHING PARENTAL CLAIM TO A CHILD OR HAS REFUSED OR
10 FAILED TO PERFORM PARENTAL DUTIES.

11 (2) THE REPEATED AND CONTINUED INCAPACITY, ABUSE,
12 NEGLECT OR REFUSAL OF THE PARENT HAS CAUSED THE CHILD TO BE
13 WITHOUT ESSENTIAL PARENTAL CARE, CONTROL OR SUBSISTENCE
14 NECESSARY FOR HIS PHYSICAL OR MENTAL WELL-BEING AND THE
15 CONDITIONS AND CAUSES OF THE INCAPACITY, ABUSE, NEGLECT OR
16 REFUSAL CANNOT OR WILL NOT BE REMEDIED BY THE PARENT.

17 (3) THE PARENT IS THE PRESUMPTIVE BUT NOT THE NATURAL
18 FATHER OF THE CHILD.

19 (4) THE CHILD IS IN THE CUSTODY OF AN AGENCY, HAVING
20 BEEN FOUND UNDER SUCH CIRCUMSTANCES THAT THE IDENTITY OR
21 WHEREABOUTS OF THE PARENT IS UNKNOWN AND CANNOT BE
22 ASCERTAINED BY DILIGENT SEARCH AND THE PARENT DOES NOT CLAIM
23 THE CHILD WITHIN THREE MONTHS AFTER THE CHILD IS FOUND.

24 (5) THE CHILD HAS BEEN REMOVED FROM THE CARE OF THE
25 PARENT BY THE COURT OR UNDER A VOLUNTARY AGREEMENT WITH AN
26 AGENCY FOR A PERIOD OF AT LEAST SIX MONTHS, THE CONDITIONS
27 WHICH LED TO THE REMOVAL OR PLACEMENT OF THE CHILD CONTINUE
28 TO EXIST, THE PARENT CANNOT OR WILL NOT REMEDY THOSE
29 CONDITIONS WITHIN A REASONABLE PERIOD OF TIME, THE SERVICES
30 OR ASSISTANCE REASONABLY AVAILABLE TO THE PARENT ARE NOT

1 LIKELY TO REMEDY THE CONDITIONS WHICH LED TO THE REMOVAL OR
2 PLACEMENT OF THE CHILD WITHIN A REASONABLE PERIOD OF TIME AND
3 TERMINATION OF THE PARENTAL RIGHTS WOULD BEST SERVE THE NEEDS
4 AND WELFARE OF THE CHILD.

5 (B) OTHER CONSIDERATIONS.--THE COURT IN TERMINATING THE
6 RIGHTS OF A PARENT SHALL GIVE PRIMARY CONSIDERATION TO THE NEEDS
7 AND WELFARE OF THE CHILD. THE RIGHTS OF A PARENT SHALL NOT BE
8 TERMINATED SOLELY ON THE BASIS OF ENVIRONMENTAL FACTORS SUCH AS
9 INADEQUATE HOUSING, FURNISHINGS, INCOME, CLOTHING AND MEDICAL
10 CARE IF FOUND TO BE BEYOND THE CONTROL OF THE PARENT.

11 § 2512. PETITION FOR INVOLUNTARY TERMINATION.

12 (A) WHO MAY FILE.--A PETITION TO TERMINATE PARENTAL RIGHTS
13 WITH RESPECT TO A CHILD UNDER THE AGE OF 18 YEARS MAY BE FILED
14 BY ANY OF THE FOLLOWING:

15 (1) EITHER PARENT WHEN TERMINATION IS SOUGHT WITH
16 RESPECT TO THE OTHER PARENT.

17 (2) AN AGENCY.

18 (3) THE INDIVIDUAL HAVING CUSTODY OR STANDING IN LOCO
19 PARENTIS TO THE CHILD AND WHO HAS FILED A REPORT OF INTENTION
20 TO ADOPT REQUIRED BY SECTION 2531 (RELATING TO REPORT OF
21 INTENTION TO ADOPT).

22 (B) CONTENTS.--THE PETITION SHALL SET FORTH SPECIFICALLY
23 THOSE GROUNDS AND FACTS ALLEGED AS THE BASIS FOR TERMINATING
24 PARENTAL RIGHTS. THE PETITION FILED UNDER THIS SECTION SHALL
25 ALSO CONTAIN AN AVERMENT THAT THE PETITIONER WILL ASSUME CUSTODY
26 OF THE CHILD UNTIL SUCH TIME AS THE CHILD IS ADOPTED. IF THE
27 PETITIONER IS AN AGENCY IT SHALL NOT BE REQUIRED TO AVER THAT AN
28 ADOPTION IS PRESENTLY CONTEMPLATED NOR THAT A PERSON WITH A
29 PRESENT INTENTION TO ADOPT EXISTS.

30 (C) FATHER NOT IDENTIFIED.--IF THE PETITION DOES NOT

1 IDENTIFY THE FATHER OF THE CHILD, IT SHALL STATE WHETHER A CLAIM
2 OF PATERNITY HAS BEEN FILED UNDER SECTION 8303 (RELATING TO
3 CLAIM OF PATERNITY).

4 § 2513. HEARING.

5 (A) TIME.--THE COURT SHALL FIX A TIME FOR HEARING ON A
6 PETITION FILED UNDER SECTION 2512 (RELATING TO PETITION FOR
7 INVOLUNTARY TERMINATION) WHICH SHALL BE NOT LESS THAN TEN DAYS
8 AFTER FILING OF THE PETITION.

9 (B) NOTICE.--AT LEAST TEN DAYS' NOTICE SHALL BE GIVEN TO THE
10 PARENT OR PARENTS, PUTATIVE PARENT, OR PARENT OF A MINOR PARENT
11 WHOSE RIGHTS ARE TO BE TERMINATED, BY REGISTERED MAIL TO HIS OR
12 THEIR LAST KNOWN ADDRESS OR BY SUCH OTHER MEANS AS THE COURT MAY
13 REQUIRE. A PUTATIVE PARENT SHALL INCLUDE ONE WHO HAS FILED A
14 CLAIM OF PATERNITY AS PROVIDED IN SECTION 8303 (RELATING TO
15 CLAIM OF PATERNITY) PRIOR TO THE INSTITUTION OF PROCEEDINGS. THE
16 NOTICE SHALL STATE THE FOLLOWING:

17 "A PETITION HAS BEEN FILED ASKING THE COURT TO PUT AN END
18 TO ALL RIGHTS YOU HAVE TO YOUR CHILD (INSERT NAME OF CHILD).
19 THE COURT HAS SET A HEARING TO CONSIDER ENDING YOUR RIGHTS TO
20 YOUR CHILD. THAT HEARING WILL BE HELD IN (INSERT PLACE,
21 GIVING REFERENCE TO EXACT ROOM AND BUILDING NUMBER OR
22 DESIGNATION) ON (INSERT DATE) AT (INSERT TIME). IF YOU DO NOT
23 APPEAR AT THIS HEARING, THE COURT MAY DECIDE THAT YOU ARE NOT
24 INTERESTED IN RETAINING YOUR RIGHTS TO YOUR CHILD AND YOUR
25 FAILURE TO APPEAR MAY AFFECT THE COURT'S DECISION ON WHETHER
26 TO END YOUR RIGHTS TO YOUR CHILD. YOU ARE WARNED THAT EVEN IF
27 YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL
28 GO ON WITHOUT YOU AND YOUR RIGHTS TO YOUR CHILD MAY BE ENDED
29 BY THE COURT WITHOUT YOUR BEING PRESENT. YOU HAVE A RIGHT TO
30 BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE

THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A
LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE
SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(NAME).....

(ADDRESS).....

.....

(TELEPHONE NUMBER)....."

(C) MOTHER COMPETENT WITNESS ON PATERNITY ISSUE.--THE
NATURAL MOTHER SHALL BE A COMPETENT WITNESS AS TO WHETHER THE
PRESUMPTIVE OR PUTATIVE FATHER IS THE NATURAL FATHER OF THE
CHILD.

(D) DECREE.--AFTER HEARING, WHICH MAY BE PRIVATE, THE COURT
SHALL MAKE A FINDING RELATIVE TO THE PERTINENT PROVISIONS OF
SECTION 2511 (RELATING TO GROUNDS FOR INVOLUNTARY TERMINATION)
AND UPON SUCH FINDING MAY ENTER A DECREE OF TERMINATION OF
PARENTAL RIGHTS.

SUBCHAPTER C

DECREE OF TERMINATION

SEC.

2521. EFFECT OF DECREE OF TERMINATION.

§ 2521. EFFECT OF DECREE OF TERMINATION.

(A) ADOPTION PROCEEDING RIGHTS EXTINGUISHED.--A DECREE
TERMINATING ALL RIGHTS OF A PARENT OR A DECREE TERMINATING ALL
RIGHTS AND DUTIES OF A PARENT ENTERED BY A COURT OF COMPETENT
JURISDICTION SHALL EXTINGUISH THE POWER OR THE RIGHT OF THE
PARENT TO OBJECT TO OR RECEIVE NOTICE OF ADOPTION PROCEEDINGS.

(B) AWARD OF CUSTODY.--THE DECREE SHALL AWARD CUSTODY OF THE
CHILD TO THE AGENCY OR THE PERSON CONSENTING TO ACCEPT CUSTODY
UNDER SECTION 2501 (RELATING TO RELINQUISHMENT TO AGENCY) OR
SECTION 2502 (RELATING TO RELINQUISHMENT TO ADULT INTENDING TO

1 ADOPT CHILD) OR THE PETITIONER IN THE CASE OF A PROCEEDING UNDER
2 SECTION 2512 (RELATING TO PETITION FOR INVOLUNTARY TERMINATION).

3 (C) AUTHORITY OF AGENCY OR PERSON RECEIVING CUSTODY.--AN
4 AGENCY OR PERSON RECEIVING CUSTODY OF A CHILD SHALL STAND IN
5 LOCO PARENTIS TO THE CHILD AND IN SUCH CAPACITY SHALL HAVE THE
6 AUTHORITY, INTER ALIA, TO CONSENT TO MARRIAGE, TO ENLISTMENT IN
7 THE ARMED FORCES AND TO MAJOR MEDICAL, PSYCHIATRIC AND SURGICAL
8 TREATMENT AND TO EXERCISE SUCH OTHER AUTHORITY CONCERNING THE
9 CHILD AS A NATURAL PARENT COULD EXERCISE.

10 SUBCHAPTER D

11 REPORTS AND INVESTIGATION

12 SEC.

13 2531. REPORT OF INTENTION TO ADOPT.

14 2532. FILING OF REPORT.

15 2533. REPORT OF INTERMEDIARY.

16 2534. EXHIBITS.

17 2535. INVESTIGATION.

18 § 2531. REPORT OF INTENTION TO ADOPT.

19 (A) GENERAL RULE.--EVERY PERSON NOW HAVING OR HEREAFTER
20 RECEIVING OR RETAINING CUSTODY OR PHYSICAL CARE OF ANY CHILD FOR
21 THE PURPOSE OR WITH THE INTENTION OF ADOPTING A CHILD UNDER THE
22 AGE OF 18 YEARS SHALL REPORT TO THE COURT IN WHICH THE PETITION
23 FOR ADOPTION WILL BE FILED.

24 (B) CONTENTS.--THE REPORT SHALL SET FORTH:

25 (1) THE CIRCUMSTANCES SURROUNDING THE PERSONS RECEIVING
26 OR RETAINING CUSTODY OR PHYSICAL CARE OF THE CHILD.

27 (2) THE NAME, SEX, RACIAL BACKGROUND, AGE, DATE AND
28 PLACE OF BIRTH AND RELIGIOUS AFFILIATION OF THE CHILD.

29 (3) THE NAME AND ADDRESS OF THE INTERMEDIARY.

30 (4) AN ITEMIZED ACCOUNTING OF MONEYS AND CONSIDERATION

PAID OR TO BE PAID TO THE INTERMEDIARY.

(5) THE NAME AND ADDRESS OF THE PERSON OR PERSONS MAKING THE REPORT.

WHEN A PERSON RECEIVES OR RETAINS CUSTODY OR PHYSICAL CARE OF A CHILD FROM AN AGENCY THE REPORT SHALL SET FORTH ONLY THE NAME AND ADDRESS OF THE AGENCY AND THE CIRCUMSTANCES SURROUNDING SUCH PERSON RECEIVING OR RETAINING CUSTODY OR PHYSICAL CARE OF THE CHILD.

(C) WHEN REPORT NOT REQUIRED.--NO REPORT SHALL BE REQUIRED WHEN THE CHILD IS THE CHILD, GRANDCHILD, STEPCHILD, BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD, OR NIECE OR NEPHEW BY BLOOD, MARRIAGE OR ADOPTION OF THE PERSON RECEIVING OR RETAINING CUSTODY OR PHYSICAL CARE.

§ 2532. FILING OF REPORT.

THE REPORT REQUIRED BY SECTION 2531 (RELATING TO REPORT OF INTENTION TO ADOPT) SHALL BE FILED WITHIN 30 DAYS AFTER THE DATE OF RECEIPT OF THE CUSTODY OR PHYSICAL CARE OF THE CHILD.

§ 2533. REPORT OF INTERMEDIARY.

(A) GENERAL RULE.--WITHIN SIX MONTHS AFTER FILING THE REPORT OF INTENTION TO ADOPT, THE INTERMEDIARY WHO OR WHICH ARRANGED THE ADOPTION PLACEMENT OF ANY CHILD UNDER THE AGE OF 18 YEARS SHALL MAKE A WRITTEN REPORT UNDER OATH TO THE COURT IN WHICH THE PETITION FOR ADOPTION WILL BE FILED AND SHALL THEREUPON FORTHWITH NOTIFY IN WRITING THE ADOPTING PARENT OR PARENTS OF THE FACT THAT THE REPORT HAS BEEN FILED AND THE DATE THEREOF.

(B) CONTENTS.--THE REPORT SHALL SET FORTH:

(1) THE NAME AND ADDRESS OF THE INTERMEDIARY.

(2) THE NAME, SEX, RACIAL BACKGROUND, AGE, DATE AND PLACE OF BIRTH AND RELIGIOUS AFFILIATION OF THE CHILD.

(3) THE DATE OF THE PLACEMENT OF THE CHILD WITH THE

ADOPTING PARENT OR PARENTS.

(4) THE NAME, RACIAL BACKGROUND, AGE, MARITAL STATUS AS OF THE TIME OF BIRTH OF THE CHILD AND DURING ONE YEAR PRIOR THERETO, AND RELIGIOUS AFFILIATION OF THE PARENTS OF THE CHILD.

(5) IDENTIFICATION OF PROCEEDINGS IN WHICH ANY DECREE OF TERMINATION OF PARENTAL RIGHTS, OR PARENTAL RIGHTS AND DUTIES, WITH RESPECT TO THE CHILD WAS ENTERED.

(6) THE RESIDENCE OF THE PARENTS OR PARENT OF THE CHILD, IF THERE HAS BEEN NO SUCH DECREE OF TERMINATION.

(7) A STATEMENT THAT ALL CONSENTS REQUIRED BY SECTION 2711 (RELATING TO CONSENTS NECESSARY TO ADOPTION) ARE ATTACHED AS EXHIBITS OR THE BASIS UPON WHICH THE CONSENTS ARE NOT REQUIRED.

(8) AN ITEMIZED ACCOUNTING OF MONEYS AND CONSIDERATION PAID OR TO BE PAID TO OR RECEIVED BY THE INTERMEDIARY OR TO OR BY ANY OTHER PERSON OR PERSONS TO THE KNOWLEDGE OF THE INTERMEDIARY BY REASON OF THE ADOPTION PLACEMENT.

(9) A FULL DESCRIPTION AND STATEMENT OF THE VALUE OF ALL PROPERTY OWNED OR POSSESSED BY THE CHILD.

(10) A STATEMENT THAT NO PROVISION OF ANY STATUTE REGULATING THE INTERSTATE PLACEMENT OF CHILDREN HAS BEEN VIOLATED WITH RESPECT TO THE PLACEMENT OF THE CHILD.

(11) IF NO BIRTH CERTIFICATE OR CERTIFICATION OF REGISTRATION OF BIRTH CAN BE OBTAINED, A STATEMENT OF THE REASON THEREFOR.

§ 2534. EXHIBITS.

THE REPORT OF THE INTERMEDIARY SHALL HAVE ATTACHED TO IT THE FOLLOWING EXHIBITS:

(1) A BIRTH CERTIFICATE OR CERTIFICATION OF REGISTRATION

1 OF BIRTH OF THE CHILD IF IT CAN BE OBTAINED.

2 (2) ALL CONSENTS TO ADOPTION REQUIRED BY SECTION 2711
3 (RELATING TO CONSENTS NECESSARY TO ADOPTION).

4 (3) A CERTIFIED COPY OF ANY DECREE OF TERMINATION OF
5 PARENTAL RIGHTS OR PARENTAL RIGHTS AND DUTIES MADE BY A COURT
6 OTHER THAN THE COURT IN WHICH THE PETITION FOR ADOPTION WILL
7 BE FILED.

8 § 2535. INVESTIGATION.

9 (A) GENERAL RULE.--WHEN A REPORT REQUIRED BY SECTION 2531
10 (RELATING TO REPORT OF INTENTION TO ADOPT) HAS BEEN FILED, THE
11 COURT SHALL CAUSE AN INVESTIGATION TO BE MADE AND A REPORT FILED
12 BY A LOCAL PUBLIC CHILD CARE AGENCY, A VOLUNTARY CHILD CARE
13 AGENCY WITH ITS CONSENT OR AN APPROPRIATE PERSON DESIGNATED BY
14 THE COURT. IN LIEU OF THE INVESTIGATION, THE COURT MAY ACCEPT AN
15 INVESTIGATION MADE BY THE AGENCY WHICH PLACED THE CHILD AND THE
16 REPORT OF INVESTIGATION IN SUCH CASES MAY BE INCORPORATED INTO
17 THE REPORT OF THE INTERMEDIARY REQUIRED BY SECTION 2533
18 (RELATING TO REPORT OF INTERMEDIARY).

19 (B) MATTERS COVERED.--THE INVESTIGATION SHALL COVER ALL
20 PERTINENT INFORMATION REGARDING THE CHILD'S ELIGIBILITY FOR
21 ADOPTION AND THE SUITABILITY OF THE PLACEMENT, INCLUDING THE
22 PHYSICAL, MENTAL AND EMOTIONAL NEEDS AND WELFARE OF THE CHILD,
23 AND THE CHILD'S AND THE ADOPTING PARENTS' AGE, SEX, HEALTH AND
24 RACIAL, ETHNIC AND RELIGIOUS BACKGROUND.

25 (C) PAYMENT OF COSTS.--THE COURT MAY ESTABLISH THE PROCEDURE
26 FOR THE PAYMENT OF INVESTIGATION COSTS.

27 CHAPTER 27

28 PETITION FOR ADOPTION

29 SUBCHAPTER

30 A. PETITION

1 B. CONSENTS

2 C. HEARINGS

3 SUBCHAPTER A

4 PETITION

5 SEC.

6 2701. CONTENTS OF PETITION FOR ADOPTION.

7 2702. EXHIBITS.

8 § 2701. CONTENTS OF PETITION FOR ADOPTION.

9 A PETITION FOR ADOPTION SHALL SET FORTH:

10 (1) THE FULL NAME, RESIDENCE, MARITAL STATUS, AGE,
11 OCCUPATION, RELIGIOUS AFFILIATION AND RACIAL BACKGROUND OF
12 THE ADOPTING PARENT OR PARENTS AND THEIR RELATIONSHIP, IF
13 ANY, TO THE ADOPTEE.

14 (2) THAT THE REPORTS UNDER SECTIONS 2531 (RELATING TO
15 REPORT OF INTENTION TO ADOPT) AND 2533 (RELATING TO REPORT OF
16 INTERMEDIARY) HAVE BEEN FILED, IF REQUIRED.

17 (3) THE NAME AND ADDRESS OF THE INTERMEDIARY, IF ANY.

18 (4) THE FULL NAME OF THE ADOPTEE AND THE FACT AND LENGTH
19 OF TIME OF THE RESIDENCE OF THE ADOPTEE WITH THE ADOPTING
20 PARENT OR PARENTS.

21 (5) IF THERE IS NO INTERMEDIARY OR IF NO REPORT OF THE
22 INTERMEDIARY HAS BEEN FILED OR IF THE ADOPTEE IS OVER THE AGE
23 OF 18 YEARS, ALL VITAL STATISTICS AND OTHER INFORMATION
24 ENUMERATED AND REQUIRED TO BE STATED OF RECORD BY SECTION
25 2533, SO FAR AS APPLICABLE.

26 (6) IF A CHANGE IN NAME OF THE ADOPTEE IS DESIRED, THE
27 NEW NAME.

28 (7) THAT ALL CONSENTS REQUIRED BY SECTION 2711 (RELATING
29 TO CONSENTS NECESSARY TO ADOPTION) ARE ATTACHED AS EXHIBITS
30 OR THE BASIS UPON WHICH SUCH CONSENTS ARE NOT REQUIRED.

(8) THAT IT IS THE DESIRE OF THE PETITIONER OR THE PETITIONERS THAT THE RELATIONSHIP OF PARENT AND CHILD BE ESTABLISHED BETWEEN THE PETITIONER OR PETITIONERS AND THE ADOPTEE.

(9) IF NO BIRTH CERTIFICATE OR CERTIFICATION OF REGISTRATION OF BIRTH CAN BE OBTAINED, A STATEMENT OF THE REASON THEREFOR AND AN ALLEGATION OF THE EFFORTS MADE TO OBTAIN THE CERTIFICATE WITH A REQUEST THAT THE COURT ESTABLISH A DATE AND PLACE OF BIRTH AT THE ADOPTION HEARING ON THE BASIS OF THE EVIDENCE PRESENTED.

§ 2702. EXHIBITS.

THE PETITION SHALL HAVE ATTACHED TO IT THE FOLLOWING EXHIBITS:

(1) THE CONSENT OR CONSENTS REQUIRED BY SECTION 2711 (RELATING TO CONSENTS NECESSARY TO ADOPTION).

(2) IF NOT ALREADY FILED WITH A REPORT OF AN INTERMEDIARY, THE EXHIBITS ENUMERATED IN SECTION 2534 (RELATING TO EXHIBITS).

SUBCHAPTER B

CONSENTS

SEC.

2711. CONSENTS NECESSARY TO ADOPTION.

2712. CONSENTS NOT NAMING ADOPTING PARENTS.

2713. WHEN OTHER CONSENTS NOT REQUIRED.

2714. WHEN CONSENT OF PARENT NOT REQUIRED.

§ 2711. CONSENTS NECESSARY TO ADOPTION.

(A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS PART, CONSENT TO AN ADOPTION SHALL BE REQUIRED OF THE FOLLOWING:

(1) THE ADOPTEE, IF OVER 12 YEARS OF AGE.

(2) THE SPOUSE OF THE ADOPTING PARENT, UNLESS THEY JOIN

1 IN THE ADOPTION PETITION.

2 (3) THE PARENTS OR SURVIVING PARENT OF AN ADOPTEE WHO
3 HAS NOT REACHED THE AGE OF 18 YEARS.

4 (4) THE GUARDIAN OF AN INCOMPETENT ADOPTEE.

5 (5) THE GUARDIAN OF THE PERSON OF AN ADOPTEE UNDER THE
6 AGE OF 18 YEARS, IF ANY THERE BE, OR OF THE PERSON OR PERSONS
7 HAVING THE CUSTODY OF THE ADOPTEE, IF ANY SUCH PERSON CAN BE
8 FOUND, WHENEVER THE ADOPTEE HAS NO PARENT WHOSE CONSENT IS
9 REQUIRED.

10 (B) HUSBAND OF NATURAL MOTHER.--THE CONSENT OF THE HUSBAND
11 OF THE MOTHER SHALL NOT BE NECESSARY IF, AFTER NOTICE TO THE
12 HUSBAND, IT IS PROVED TO THE SATISFACTION OF THE COURT BY
13 EVIDENCE, INCLUDING TESTIMONY OF THE NATURAL MOTHER, THAT THE
14 HUSBAND OF THE NATURAL MOTHER IS NOT THE NATURAL FATHER OF THE
15 CHILD. ABSENT SUCH PROOF, THE CONSENT OF A FORMER HUSBAND OF THE
16 NATURAL MOTHER SHALL BE REQUIRED IF HE WAS THE HUSBAND OF THE
17 NATURAL MOTHER AT ANY TIME WITHIN ONE YEAR PRIOR TO THE BIRTH OF
18 THE ADOPTEE.

19 § 2712. CONSENTS NOT NAMING ADOPTING PARENTS.

20 A CONSENT TO A PROPOSED ADOPTION MEETING ALL THE REQUIREMENTS
21 OF THIS PART BUT WHICH DOES NOT NAME OR OTHERWISE IDENTIFY THE
22 ADOPTING PARENT OR PARENTS SHALL BE VALID IF IT CONTAINS A
23 STATEMENT THAT IT IS VOLUNTARILY EXECUTED WITHOUT DISCLOSURE OF
24 THE NAME OR OTHER IDENTIFICATION OF THE ADOPTING PARENT OR
25 PARENTS.

26 § 2713. WHEN OTHER CONSENTS NOT REQUIRED.

27 THE COURT, IN ITS DISCRETION, MAY DISPENSE WITH CONSENTS
28 OTHER THAN THAT OF THE ADOPTEE TO A PETITION FOR ADOPTION WHEN:

29 (1) THE ADOPTEE IS OVER 18 YEARS OF AGE; OR

30 (2) THE ADOPTEE IS UNDER 18 YEARS OF AGE AND HAS NO

PARENT LIVING WHOSE CONSENT IS REQUIRED.

§ 2714. WHEN CONSENT OF PARENT NOT REQUIRED.

CONSENT OF A PARENT TO ADOPTION SHALL NOT BE REQUIRED IF A DECREE OF TERMINATION WITH REGARD TO SUCH PARENT HAS BEEN ENTERED. WHEN PARENTAL RIGHTS HAVE NOT PREVIOUSLY BEEN TERMINATED, THE COURT MAY FIND THAT CONSENT OF A PARENT OF THE ADOPTEE IS NOT REQUIRED IF, AFTER NOTICE AND HEARING AS PRESCRIBED IN SECTION 2513 (RELATING TO HEARING), THE COURT FINDS THAT GROUNDS EXIST FOR INVOLUNTARY TERMINATION UNDER SECTION 2511 (RELATING TO GROUNDS FOR INVOLUNTARY TERMINATION).

SUBCHAPTER C

HEARINGS

SEC.

2721. NOTICE OF HEARING.

2722. PLACE OF HEARING.

2723. ATTENDANCE AT HEARING.

2724. TESTIMONY AND INVESTIGATION.

2725. RELIGIOUS BELIEF.

§ 2721. NOTICE OF HEARING.

THE COURT SHALL FIX A TIME AND PLACE FOR HEARING. NOTICE OF THE HEARING SHALL BE GIVEN TO ALL PERSONS WHOSE CONSENTS ARE REQUIRED AND TO SUCH OTHER PERSONS AS THE COURT SHALL DIRECT. NOTICE TO THE PARENT OR PARENTS OF THE ADOPTEE, IF REQUIRED, MAY BE GIVEN BY THE INTERMEDIARY OR SOMEONE ACTING ON HIS BEHALF. NOTICE SHALL BE BY PERSONAL SERVICE OR BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS OF THE PERSON TO BE NOTIFIED OR IN SUCH OTHER MANNER AS THE COURT SHALL DIRECT.

§ 2722. PLACE OF HEARING.

THE HEARING SHALL BE PRIVATE OR IN OPEN COURT AS THE COURT DEEMS APPROPRIATE.

1 § 2723. ATTENDANCE AT HEARING.

2 THE ADOPTING PARENT OR PARENTS AND THE ADOPTEE MUST APPEAR AT
3 AND, IF REQUIRED, TESTIFY AT THE HEARING UNDER OATH UNLESS THE
4 COURT DETERMINES THEIR PRESENCE IS UNNECESSARY. IN ADDITION, THE
5 COURT MAY REQUIRE THE APPEARANCE AND TESTIMONY OF ALL PERSONS
6 WHOSE CONSENTS ARE REQUIRED BY THIS PART AND REPRESENTATIVES OF
7 AGENCIES OR INDIVIDUALS WHO HAVE ACTED AS AN INTERMEDIARY IF
8 THEIR APPEARANCE OR TESTIMONY WOULD BE NECESSARY OR HELPFUL TO
9 THE COURT.

10 § 2724. TESTIMONY AND INVESTIGATION.

11 (A) TESTIMONY.--THE COURT SHALL HEAR TESTIMONY IN SUPPORT OF
12 THE PETITION AND SUCH ADDITIONAL TESTIMONY AS IT DEEMS NECESSARY
13 TO INFORM IT AS TO THE DESIRABILITY OF THE PROPOSED ADOPTION. IT
14 SHALL REQUIRE A DISCLOSURE OF ALL MONEYS AND CONSIDERATION PAID
15 OR TO BE PAID TO ANY PERSON OR INSTITUTION IN CONNECTION WITH
16 THE ADOPTION.

17 (B) INVESTIGATION.--THE COURT MAY REQUEST THAT AN
18 INVESTIGATION BE MADE BY A PERSON OR PUBLIC AGENCY OR, WITH ITS
19 CONSENT, A VOLUNTARY AGENCY, SPECIFICALLY DESIGNATED BY THE
20 COURT TO VERIFY THE STATEMENTS OF THE PETITION AND SUCH OTHER
21 FACTS THAT WILL GIVE THE COURT FULL KNOWLEDGE OF THE
22 DESIRABILITY OF THE PROPOSED ADOPTION, OR THE COURT MAY RELY IN
23 WHOLE OR IN PART UPON A REPORT EARLIER MADE UNDER SECTION 2535
24 (RELATING TO INVESTIGATION). IN ANY CASE, THE AGE, SEX, HEALTH,
25 SOCIAL AND ECONOMIC STATUS OR RACIAL, ETHNIC OR RELIGIOUS
26 BACKGROUND OF THE CHILD OR ADOPTING PARENTS SHALL NOT PRECLUDE
27 AN ADOPTION BUT THE COURT SHALL DECIDE ITS DESIRABILITY ON THE
28 BASIS OF THE PHYSICAL, MENTAL AND EMOTIONAL NEEDS AND WELFARE OF
29 THE CHILD.

30 (C) PAYMENT OF INVESTIGATION COSTS.--THE COURT MAY ESTABLISH

1 A PROCEDURE FOR THE PAYMENT OF INVESTIGATION COSTS BY THE
2 PETITIONERS OR BY SUCH OTHER PERSONS AS THE COURT MAY DIRECT.

3 § 2725. RELIGIOUS BELIEF.

4 WHENEVER POSSIBLE, THE ADOPTING PARENTS SHALL BE OF THE SAME
5 RELIGIOUS FAITH AS THE NATURAL PARENTS OF THE ADOPTEE. NO PERSON
6 SHALL BE DENIED THE BENEFITS OF THIS PART BECAUSE OF A RELIGIOUS
7 BELIEF IN THE USE OF SPIRITUAL MEANS OR PRAYER FOR HEALING.

8 CHAPTER 29

9 DECREES AND RECORDS

10 SEC.

11 2901. TIME OF ENTRY OF DECREE OF ADOPTION.

12 2902. REQUIREMENTS AND FORM OF DECREE OF ADOPTION.

13 2903. RETENTION OF PARENTAL STATUS.

14 2904. NAME OF ADOPTEE.

15 2905. IMPOUNDING OF PROCEEDINGS.

16 2906. DOCKET ENTRIES.

17 2907. CERTIFICATE OF ADOPTION.

18 2908. FOREIGN DECREE OF ADOPTION.

19 § 2901. TIME OF ENTRY OF DECREE OF ADOPTION.

20 UNLESS THE COURT FOR CAUSE SHOWN DETERMINES OTHERWISE, NO
21 DECREE OF ADOPTION SHALL BE ENTERED UNLESS THE ADOPTEE HAS
22 RESIDED WITH THE PETITIONER FOR AT LEAST SIX MONTHS PRIOR
23 THERETO OR, IN LIEU OF SUCH RESIDENCE, THE ADOPTEE IS AT LEAST
24 18 YEARS OF AGE OR IS RELATED BY BLOOD OR MARRIAGE TO THE
25 PETITIONER.

26 § 2902. REQUIREMENTS AND FORM OF DECREE OF ADOPTION.

27 (A) GENERAL RULE.--IF SATISFIED THAT THE STATEMENTS MADE IN
28 THE PETITION ARE TRUE, THAT THE NEEDS AND WELFARE OF THE PERSON
29 PROPOSED TO BE ADOPTED WILL BE PROMOTED BY THE ADOPTION AND THAT
30 ALL REQUIREMENTS OF THIS PART HAVE BEEN MET, THE COURT SHALL

1 ENTER A DECREE SO FINDING AND DIRECTING THAT THE PERSON PROPOSED
2 TO BE ADOPTED SHALL HAVE ALL THE RIGHTS OF A CHILD AND HEIR OF
3 THE ADOPTING PARENT OR PARENTS AND SHALL BE SUBJECT TO THE
4 DUTIES OF A CHILD TO HIM OR THEM.

5 (B) WITHDRAWAL OR DISMISSAL OF PETITION.--IN ANY CASE IN
6 WHICH THE PETITION IS WITHDRAWN OR DISMISSED, THE COURT SHALL
7 ENTER AN APPROPRIATE ORDER IN REGARD TO THE CUSTODY OF THE
8 CHILD.

9 § 2903. RETENTION OF PARENTAL STATUS.

10 WHENEVER A PARENT CONSENTS TO THE ADOPTION OF HIS CHILD BY
11 HIS SPOUSE, THE PARENT-CHILD RELATIONSHIP BETWEEN HIM AND HIS
12 CHILD SHALL REMAIN WHETHER OR NOT HE IS ONE OF THE PETITIONERS
13 IN THE ADOPTION PROCEEDING.

14 § 2904. NAME OF ADOPTEE.

15 IF REQUESTED BY THE PETITIONERS, THE DECREE MAY PROVIDE THAT
16 THE ADOPTEE SHALL ASSUME THE NAME OF THE ADOPTING PARENT OR
17 PARENTS AND ANY GIVEN FIRST OR MIDDLE NAMES THAT MAY BE CHOSEN.

18 § 2905. IMPOUNDING OF PROCEEDINGS.

19 ALL PETITIONS, EXHIBITS, REPORTS, NOTES OF TESTIMONY,
20 DECREES, AND OTHER PAPERS PERTAINING TO ANY PROCEEDING UNDER
21 THIS PART OR FORMER STATUTES RELATING TO ADOPTION SHALL BE KEPT
22 IN THE FILES OF THE COURT AS A PERMANENT RECORD THEREOF AND
23 WITHHELD FROM INSPECTION EXCEPT ON AN ORDER OF COURT GRANTED
24 UPON CAUSE SHOWN. ANY REPORT REQUIRED TO BE FILED UNDER SECTIONS
25 2531 (RELATING TO REPORT OF INTENTION TO ADOPT) AND 2535
26 (RELATING TO INVESTIGATION) SHALL BE MADE AVAILABLE TO PARTIES
27 TO AN ADOPTION PROCEEDING ONLY AFTER ALL IDENTIFYING NAMES AND
28 ADDRESSES IN THE REPORT HAVE BEEN EXTIRPATED BY THE COURT.

29 § 2906. DOCKET ENTRIES.

30 UPON THE FILING OF ANY DECREE UNDER THIS PART, THE CLERK

1 SHALL ENTER ON THE DOCKET AN ENTRY SHOWING THE DATE OF THE
2 DECREE. INFORMATION IDENTIFYING THE NATURAL PARENTS SHALL NOT BE
3 ENTERED ON THE DOCKET.

4 § 2907. CERTIFICATE OF ADOPTION.

5 THE CLERK SHALL ISSUE TO THE ADOPTING PARENT OR PARENTS A
6 CERTIFICATE RECITING THAT THE COURT HAS GRANTED THE ADOPTION.
7 THE CERTIFICATE SHALL NOT DISCLOSE THE NAME OF ANY NATURAL
8 PARENT OR THE ORIGINAL NAME OF THE PERSON ADOPTED. THE
9 CERTIFICATE SHALL BE ACCEPTED IN ANY LEGAL PROCEEDINGS IN THIS
10 COMMONWEALTH AS EVIDENCE OF THE FACT THAT THE ADOPTION HAS BEEN
11 GRANTED.

12 § 2908. FOREIGN DECREE OF ADOPTION.

13 WHEN A DECREE OF ADOPTION OF A MINOR IS MADE OR ENTERED IN
14 CONFORMITY WITH THE LAWS OF ANOTHER STATE OR A FOREIGN COUNTRY
15 WHEREBY A CHILD IS ADOPTED BY A RESIDENT OF THIS COMMONWEALTH, A
16 COPY OF THE FINAL DECREE, PROPERLY AUTHENTICATED, MAY BE FILED
17 WITH THE CLERK IN THE COUNTY OF RESIDENCE OF THE ADOPTING
18 PARENTS. THE DECREE AND SUCH OTHER DOCUMENTS AS MAY BE FILED
19 THEREWITH SHALL BE KEPT IN THE FILES OF THE COURT AS A PERMANENT
20 RECORD THEREOF AND SHALL BE WITHHELD FROM INSPECTION EXCEPT ON
21 ORDER OF COURT GRANTED UPON CAUSE SHOWN. UPON THE FILING OF A
22 FOREIGN DECREE OF ADOPTION, THE CLERK SHALL ENTER UPON THE
23 DOCKET AN ENTRY SHOWING THE FOREIGN COURT, IDENTIFICATION OF THE
24 PROCEEDINGS THEREIN AND THE DATE OF THE DECREE. INFORMATION
25 IDENTIFYING THE NATURAL PARENTS SHALL NOT BE REQUIRED.

26 PART IX

27 MISCELLANEOUS PROVISIONS

28 CHAPTER

29 83. LEGITIMACY OF CHILDREN

30 CHAPTER 83

LEGITIMACY OF CHILDREN

SEC.

8302. ACKNOWLEDGMENT OF PATERNITY.

8303. CLAIM OF PATERNITY.

§ 8302. ACKNOWLEDGMENT OF PATERNITY.

THE FATHER OF A CHILD BORN TO AN UNMARRIED WOMAN MAY FILE WITH THE DEPARTMENT OF HEALTH ON FORMS PRESCRIBED BY IT AN ACKNOWLEDGMENT OF PATERNITY OF THE CHILD WHICH SHALL INCLUDE THE CONSENT UNDER OATH OF THE MOTHER OF THE CHILD. THE DEPARTMENT SHALL, UPON RECEIPT OF THE ACKNOWLEDGMENT, PROCEED AS PROVIDED IN SECTION 603(A) OF THE ACT OF JUNE 29, 1953 (P.L.304, NO.66), KNOWN AS THE "VITAL STATISTICS LAW OF 1953," AND THE FATHER SHALL HAVE ALL THE RIGHTS AND DUTIES AS TO THE CHILD WHICH HE WOULD HAVE HAD IF HE HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF THE CHILD'S BIRTH AND THE CHILD SHALL HAVE ALL THE RIGHTS AND DUTIES AS TO THE FATHER WHICH HE WOULD HAVE HAD IF THE FATHER HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF HIS BIRTH. THE ACKNOWLEDGMENT MAY ALSO PROVIDE FOR THE ASSUMPTION BY THE CHILD OF THE FATHER'S SURNAME OR OTHER NAME DESIRED BY THE PARENTS.

§ 8303. CLAIM OF PATERNITY.

IF THE MOTHER OF THE CHILD FAILS OR REFUSES TO JOIN IN THE ACKNOWLEDGMENT OF PATERNITY PROVIDED FOR IN SECTION 8302 (RELATING TO ACKNOWLEDGMENT OF PATERNITY), THE DEPARTMENT OF HEALTH SHALL INDEX IT AS A CLAIM OF PATERNITY. THE FILING AND INDEXING OF A CLAIM OF PATERNITY SHALL NOT CONFER UPON THE PUTATIVE FATHER ANY RIGHTS AS TO THE CHILD EXCEPT THAT THE PUTATIVE FATHER SHALL BE ENTITLED TO NOTICE OF ANY PROCEEDING BROUGHT TO TERMINATE ANY PARENTAL RIGHTS AS TO THE CHILD.

SECTION 2. THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED:

1 ACT OF JULY 9, 1935 (P.L.612, NO.214), ENTITLED "AN ACT
2 VALIDATING ADOPTIONS IN COURTS OF RECORD OF THE COMMONWEALTH."

3 SECTION 4, ACT OF JULY 30, 1947 (P.L.1180, NO.491), ENTITLED
4 "AN ACT TO FURTHER AMEND THE ACT, APPROVED THE FOURTH DAY OF
5 APRIL, ONE THOUSAND NINE HUNDRED TWENTY-FIVE (PAMPHLET LAWS
6 127), ENTITLED 'AN ACT RELATING TO ADOPTION,' FURTHER PROVIDING
7 FOR THE JURISDICTION OF ADOPTION PROCEEDINGS, THE CONTENTS OF
8 PETITIONS, NECESSARY CONSENTS, HEARINGS AND DECREES; AND
9 VALIDATING CERTAIN ADOPTIONS."

10 SECTION 6, ACT OF AUGUST 26, 1953 (P.L.1411, NO.400),
11 ENTITLED "AN ACT TO FURTHER AMEND THE ACT, APPROVED THE FOURTH
12 DAY OF APRIL, ONE THOUSAND NINE HUNDRED TWENTY-FIVE (PAMPHLET
13 LAWS 127), ENTITLED 'AN ACT RELATING TO ADOPTION,' BY DEFINING
14 CERTAIN TERMS; IMPOSING POWERS AND DUTIES ON THE DEPARTMENT OF
15 WELFARE; PROVIDING FOR APPEALS; REQUIRING REPORTS CONCERNING
16 RECEIVING CHILDREN FOR ADOPTION AND INVESTIGATION THEREOF;
17 CHANGING CONTENTS OF PETITION FOR ADOPTION; PROVIDING PROCEDURE
18 FOR THE VOLUNTARY RELINQUISHMENT OF AND FOR THE FINDING OF
19 ABANDONMENT OF CERTAIN CHILDREN; ELIMINATING CERTAIN CONSENTS TO
20 ADOPTION; AND FURTHER PROVIDING FOR HEARINGS AND INVESTIGATORY
21 POWERS OF THE COURT."

22 ACT OF JULY 24, 1970 (P.L.620, NO.208), KNOWN AS THE
23 "ADOPTION ACT."

24 SECTION 3. THIS ACT SHALL APPLY TO ALL PROCEEDINGS BEGUN
25 AFTER THE EFFECTIVE DATE OF THIS ACT. PROCEEDINGS IN PROGRESS
26 AND NOT COMPLETED BEFORE THE EFFECTIVE DATE OF THIS ACT MAY BE
27 AMENDED WITH LEAVE OF COURT AFTER JANUARY 1, 1981 TO CONFORM TO
28 THIS ACT; OTHERWISE, THE PROCEEDINGS SHALL BE CARRIED TO THEIR
29 CONCLUSION UNDER THE ACT OF JULY 24, 1970 (P.L.620, NO.208),
30 KNOWN AS THE "ADOPTION ACT."

1 SECTION 4. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1981.