
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1789 Session of
1981

INTRODUCED BY HAGARTY, CORNELL, REBER, NOYE, NAHILL, COCHRAN,
HORGOS, SPENCER, CAWLEY, PRATT, DAIKELER, SAURMAN, BROWN,
MICOZZIE, KOWALYSHYN, SHOWERS, MAIALE, FREIND, VROON, MORRIS,
J. L. WRIGHT, SALVATORE, WILSON, KUKOVICH, SIEMINSKI, SNYDER
AND ARTY, SEPTEMBER 1, 1981

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 1, 1981

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for adoption.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 2502(a) of Title 23, act of November 25,
6 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
7 Statutes, is amended to read:

8 § 2502. Relinquishment to adult intending to adopt child.

9 (a) Petition.--When any child under the age of 18 years has
10 been for a minimum period of [30] 20 days in the exclusive care
11 of an adult or adults who have filed a report of intention to
12 adopt required by section 2531 (relating to report of intention
13 to adopt), the parent or parents of the child may petition the
14 court for permission to relinquish forever all parental rights
15 to their child.

16 * * *

Section 2. Title 23 is amended by adding a section to read:

§ 2504. Alternative procedure for relinquishment.

(a) Petition to confirm consent to adoption.--If the parent or parents of the child have executed consents to an adoption as required by section 2711 (relating to consents necessary to adoption) but have failed for a period of 40 days after executing the consent to file or proceed with the petition for voluntary relinquishment of parental rights provided for in this subchapter, the intermediary may petition the court to hold a hearing for the purpose of confirming the intention of the parent or parents to voluntarily relinquish their rights and duties as evidenced by the consent or consents to the adoption, the original of which shall be attached to the petition. In the case where there is no intermediary, the adoptive parent or parents may file the petition.

(b) Validity of consent.--No consent shall be valid if it was executed prior to or within 72 hours after the birth of the child. Any consent given outside this Commonwealth shall be valid for purposes of this section if it was given in accordance with the laws of the jurisdiction where it was executed. A consent to an adoption may only be revoked prior to the earlier of either the entry of a decree of termination of parental rights or the entry of a decree of adoption. The revocation of a consent shall be in writing and shall be served upon the agency or adult to whom the child was relinquished.

(c) Contents of consent.--

(1) The consent shall set forth the name, address, age and marital status of the parent, the relationship of the consenter to the child, the name and address of the other parent or parents of the child and the following:

1 I hereby voluntarily and unconditionally consent to
2 the adoption of the above named child.

3 I understand that by signing this consent I
4 permanently give up all rights to this child.

5 I understand such child will be placed for adoption.

6 I understand I may not revoke this consent after a
7 court has entered a decree confirming this consent or
8 otherwise terminating my parental rights to this child.
9 Even if a decree has not been entered terminating my
10 parental rights I may not revoke this consent after a
11 decree of adoption of this child is entered.

12 I have read and understand the above and I am signing
13 it as a free and voluntary act.

14 (2) The consent shall include the date and place of its
15 execution and names and addresses of all persons who witness
16 its execution and their relationship to the consenter.

17 (d) Hearing.--Upon presentation of a petition filed pursuant
18 to this section, the court shall fix a time for a hearing which
19 shall not be less than ten days after filing of the petition.
20 Notice of the hearing shall be personally served upon the
21 consenter and shall be in the form provided in section 2513(b)
22 (relating to hearing). Notice of the hearing shall be given to
23 the other parent or parents and to the parents or guardian of a
24 consenting parent who has not reached 18 years of age. After
25 hearing, which shall be private, the court may enter a decree of
26 termination of parental rights in the case of a relinquishment
27 to an adult or a decree of termination of parental rights and
28 duties, including the obligation of support, in the case of a
29 relinquishment to an agency.

30 Section 3. Sections 2513(b) and 2531(b) of Title 23 are

1 amended to read:

2 § 2513. Hearing.

3 * * *

4 (b) Notice.--At least ten days' notice shall be given to the
5 parent or parents, putative parent, or parent of a minor parent
6 whose rights are to be terminated, by registered mail to his or
7 their last known address or by such other means as the court may
8 require. A putative parent shall include one who has filed a
9 claim of paternity as provided in section 8303 (relating to
10 claim of paternity) prior to the institution of proceedings. The
11 notice shall state the following:

12 "A petition has been filed asking the court to put an end
13 to all rights you have to your child (insert name of child).
14 The court has set a hearing to consider ending your rights to
15 your child. That hearing will be held in (insert place,
16 giving reference to exact room and building number or
17 designation) on (insert date) at (insert time). [If you do
18 not appear at this hearing, the court may decide that you are
19 not interested in retaining your rights to your child and
20 your failure to appear may affect the court's decision on
21 whether to end your rights to your child.] You are warned
22 that even if you fail to appear at the scheduled hearing, the
23 hearing will go on without you and your rights to your child
24 may be ended by the court without your being present. You
25 have a right to be represented at the hearing by a lawyer.
26 You should take this paper to your lawyer at once. If you do
27 not have a lawyer or cannot afford one, go to or telephone
28 the office set forth below to find out where you can get
29 legal help.

30 (Name).....

1 (Address).....
2
3 (Telephone number)....."

4 * * *

5 § 2531. Report of intention to adopt.

6 * * *

7 (b) Contents.--The report shall set forth:

8 (1) The circumstances surrounding the persons receiving
9 or retaining custody or physical care of the child.

10 (2) The name, sex, racial background, age, date and
11 place of birth and religious affiliation of the child.

12 (3) The name and address of the intermediary.

13 (4) An itemized accounting of moneys and consideration
14 paid or to be paid to the intermediary.

15 (5) The name [and], address and signature of the person
16 or persons making the report. Immediately above the signature
17 of the person or persons intending to adopt the child shall
18 appear the following statement:

19 I acknowledge that I have been advised or know and
20 understand that the natural parent may revoke the consent
21 to the adoption of this child until a court has entered a
22 decree terminating the parental rights and, unless a
23 decree terminating parental rights has been entered, the
24 natural parent may revoke the consent until a court
25 enters the final adoption decree.

26 When a person receives or retains custody or physical care of a
27 child from an agency the report shall set forth only the name
28 and address of the agency and the circumstances surrounding such
29 person receiving or retaining custody or physical care of the
30 child.

1 * * *

2 Section 4. This act shall take effect in 60 days.