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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 116 Session of  
1995

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INTRODUCED BY D. R. WRIGHT, COY, DeLUCA, PESCI, STABACK, CIVERA,  
STEELMAN AND TRELLO, JANUARY 20, 1995

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1995

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for report of  
3 intention to adopt, for responsibilities of the Pennsylvania  
4 Adoption Cooperative Exchange (PACE), for consents necessary  
5 to adoption and for release of information in confidential  
6 reports.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2531 of Title 23 of the Pennsylvania  
10 Consolidated Statutes is amended to read:

11 § 2531. Report of intention to adopt.

12 (a) General rule.--Every person now having or hereafter  
13 receiving or retaining custody or physical care of any child for  
14 the purpose or with the intention of adopting a child under the  
15 age of 18 years shall report to the court in which the petition  
16 for adoption will be filed.

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

18 (1) The circumstances surrounding the persons receiving  
19 or retaining custody or physical care of the child, including

1 the date upon which a preplacement investigation was  
2 concluded.

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

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

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

8 (5) Whether the parent or parents whose parental rights  
9 are to be terminated have received counseling with respect to  
10 the termination and the alternatives thereto. If so, the  
11 report shall state the dates on which the counseling was  
12 provided and the name and address of the counselor or agency  
13 which provided the counseling.

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

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

25 (7) A copy of the preplacement report prepared pursuant  
26 to section 2530 (relating to home study and preplacement  
27 report).

28 (8) FBI fingerprint cards for the persons receiving or  
29 retaining custody or physical care of the child.

30 (c) Exception.--When a person receives or retains custody or

1 physical care of a child from an agency, the report shall set  
2 forth only the name and address of the agency, the circumstances  
3 surrounding such person receiving or retaining custody or  
4 physical care of the child and a copy of the preplacement report  
5 prepared pursuant to section 2530.

6 (d) Criminal records check.--Every person receiving or  
7 retaining custody or physical care of any child for the purpose  
8 or with the intention of adopting a child under 18 years of age  
9 shall make a request for a report of Federal and State criminal  
10 history to the Pennsylvania State Police. The Pennsylvania State  
11 Police shall forward the criminal history information to the  
12 court.

13 ~~[(c)]~~ (e) When report not required.--No report, fingerprints  
14 or criminal records check shall be required when the child is  
15 the child, grandchild, stepchild, brother or sister of the whole  
16 or half blood, or niece or nephew by blood, marriage or adoption  
17 of the person receiving or retaining custody or physical care.

18 Section 2. Section 2554 of Title 23 is amended by adding a  
19 paragraph to read:

20 § 2554. Responsibilities of PACE.

21 PACE shall be responsible for the following:

22 \* \* \*

23 (7) Requiring all agencies and intermediaries who  
24 facilitate adoptions to submit designated information  
25 regarding each finalized adoption. The required information  
26 should follow the guidelines outlined in Federal regulations  
27 and should also include information on adoption costs. The  
28 information shall be forwarded to the department on a  
29 quarterly basis, and the department shall forward an annual  
30 adoption statistics report to the General Assembly.

1 Section 3. Section 2711(d) of Title 23 is amended to read:

2 § 2711. Consents necessary to adoption.

3 \* \* \*

4 (d) Contents of consent.--

5 (1) The consent of a parent of an adoptee under 18 years  
6 of age shall set forth the name, age and marital status of  
7 the parent, the relationship of the consenter to the child,  
8 the name of the other parent or parents of the child and the  
9 following:

10 I hereby voluntarily and unconditionally consent to  
11 the adoption of the above named child.

12 I understand that by signing this consent I indicate  
13 my intent to permanently give up all rights to this  
14 child.

15 I understand such child will be placed for adoption.

16 I understand I may revoke this consent to permanently  
17 give up all rights to this child by placing the  
18 revocation in writing and serving it within 30 days upon  
19 the agency or adult to whom the child was relinquished.

20 I understand I may not revoke this consent after a  
21 court has entered a decree confirming this consent or  
22 otherwise terminating my parental rights to this child.  
23 Even if a decree has not been entered terminating my  
24 parental rights I may not revoke this consent after a  
25 decree of adoption of this child is entered.

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

28 (2) The consent shall include the date and place of its  
29 execution and names and addresses and signatures of at least  
30 two persons who witnessed its execution and their

1 relationship to the consentor.

2 Section 4. Section 6340(a) of Title 23 is amended by adding  
3 a paragraph to read:

4 § 6340. Release of information in confidential reports.

5 (a) General rule.--Reports specified in section 6339  
6 (relating to confidentiality of reports) shall only be made  
7 available to:

8 \* \* \*

9 (15) Authorized personnel of other states who request  
10 the information.

11 \* \* \*

12 Section 5. This act shall take effect in 60 days.