
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 399 Session of
2007

INTRODUCED BY PETRI, BOYD, MILLARD, STERN, YOUNGBLOOD AND
PICKETT, FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 13, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for report of
3 intention to adopt, for consents and for notice of hearing.

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

6 Section 1. Sections 2531(b)(6) and 2711(c) and (d) of Title
7 23 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 2531. Report of intention to adopt.

10 * * *

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

12 * * *

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

17 I acknowledge that I have been advised or know and
18 understand that the birth father or putative father may

1 revoke the consent to the adoption of this child within
2 [30 days] 96 hours after the later of the birth of the
3 child or the date he has executed the consent to an
4 adoption and that the birth mother may revoke the consent
5 to an adoption of this child within [30 days] 96 hours
6 after the date she has executed the consent.

7 * * *

8 § 2711. Consents necessary to adoption.

9 * * *

10 (c) Validity of consent.--No consent shall be valid if it
11 was executed prior to or within 72 hours after the birth of the
12 child. A putative father may execute a consent at any time after
13 receiving notice of the expected or actual birth of the child.
14 If consent is executed by the putative father prior to the birth
15 of the child, the child shall be named "Baby (Mother's Last
16 Name)" for the purpose of the consent. Further notice as
17 required by section 2721 (relating to notice of hearing) to the
18 putative father is not necessary if consent is executed prior to
19 the birth of the child. Further notice as required by section
20 2721 is not required to the natural mother or her husband if
21 consent was timely executed. Any consent given outside this
22 Commonwealth shall be valid for purposes of this section if it
23 was given in accordance with the laws of the jurisdiction where
24 it was executed. A consent to an adoption may only be revoked as
25 set forth in this subsection. The revocation of a consent shall
26 be in writing and shall be served upon the agency or adult to
27 whom the child was relinquished. The following apply:

28 (1) Except as otherwise provided in paragraph (3):

29 (i) For a consent to an adoption executed by a birth
30 father or a putative father, the consent is irrevocable

1 more than [30 days] 96 hours after the birth of the child
2 or the execution of the consent, whichever occurs later.

3 (ii) For a consent to an adoption executed by a
4 birth mother, the consent is irrevocable more than [30
5 days] 96 hours after the execution of the consent.

6 (2) An individual may not waive the revocation period
7 under paragraph (1).

8 (3) Notwithstanding paragraph (1), the following apply:

9 (i) An individual who executed a consent to an
10 adoption may challenge the validity of the consent only
11 by filing a petition alleging fraud or duress [within the
12 earlier of the following time frames:

13 (A) Sixty days after the birth of the child or
14 the execution of the consent, whichever occurs later.

15 (B) Thirty days after the entry of the adoption
16 decree.] prior to the termination of parental rights.

17 (ii) A consent to an adoption may be invalidated
18 only if the alleged fraud or duress under subparagraph
19 (i) is proven by:

20 (A) a preponderance of the evidence in the case
21 of consent by a person 21 years of age or younger; or

22 (B) clear and convincing evidence in all other
23 cases.

24 (4) Once the individual's parental rights are terminated
25 and the individual has executed a consent to an adoption, the
26 individual has no further standing to contest the adoption or
27 to revoke his or her consent.

28 (d) Contents of consent.--

29 (1) The consent of a parent of an adoptee under 18 years
30 of age shall set forth the name, age and marital status of

1 the parent, the relationship of the consenter to the child,
2 the name of the other parent or parents of the child and the
3 following:

4 I hereby voluntarily and unconditionally consent to
5 the adoption of the above named child.

6 I understand that by signing this consent I indicate
7 my intent to permanently give up all rights to this
8 child.

9 I understand such child will be placed for adoption.

10 I understand I may revoke this consent to permanently
11 give up all rights to this child by placing the
12 revocation in writing and serving it upon the agency or
13 adult to whom the child was relinquished.

14 If I am the birth father or putative father of the
15 child, I understand that this consent to an adoption is
16 irrevocable unless I revoke it within [30 days] 96 hours
17 after either the birth of the child or my execution of
18 the consent, whichever occurs later, by delivering a
19 written revocation to (insert the name and address of the
20 agency coordinating the adoption) or (insert the name and
21 address of an attorney who represents the individual
22 relinquishing parental rights or prospective adoptive
23 parent of the child) or (insert the court of the county
24 in which the voluntary relinquishment form was or will be
25 filed).

26 If I am the birth mother of the child, I understand
27 that this consent to an adoption is irrevocable unless I
28 revoke it within [30 days] 96 hours after executing it by
29 delivering a written revocation to (insert the name and
30 address of the agency coordinating the adoption) or

1 (insert the name and address of an attorney who
2 represents the individual relinquishing parental rights
3 or prospective adoptive parent of the child) or (insert
4 the court of the county in which the voluntary
5 relinquishment form was or will be filed).

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

8 (2) The consent shall include the date and place of its
9 execution and names and addresses and signatures of at least
10 two persons who witnessed its execution and their
11 relationship to the consenter.

12 Section 2. Section 2712 of Title 23 is repealed:

13 [§ 2712. Consents not naming adopting parents.

14 A consent to a proposed adoption meeting all the requirements
15 of this part but which does not name or otherwise identify the
16 adopting parent or parents shall be valid if it contains a
17 statement that it is voluntarily executed without disclosure of
18 the name or other identification of the adopting parent or
19 parents.]

20 Section 3. Section 2721 of Title 23 is amended to read:

21 § 2721. Notice of hearing.

22 The court shall fix a time and place for hearing. Notice of
23 the hearing shall be given to all persons whose consents are
24 required and to such other persons as the court shall direct.
25 Notice to the parent or parents of the adoptee[, if required,
26 may be given by the intermediary or someone acting on his
27 behalf.] is not required if the parents have consented to the
28 adoption and parental rights have been terminated. Notice shall
29 be by personal service or by registered mail to the last known
30 address of the person to be notified or in such other manner as

1 the court shall direct.

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